

POLICE · BUDGET · EDITION

EDITED BY HAROLD FURNISS

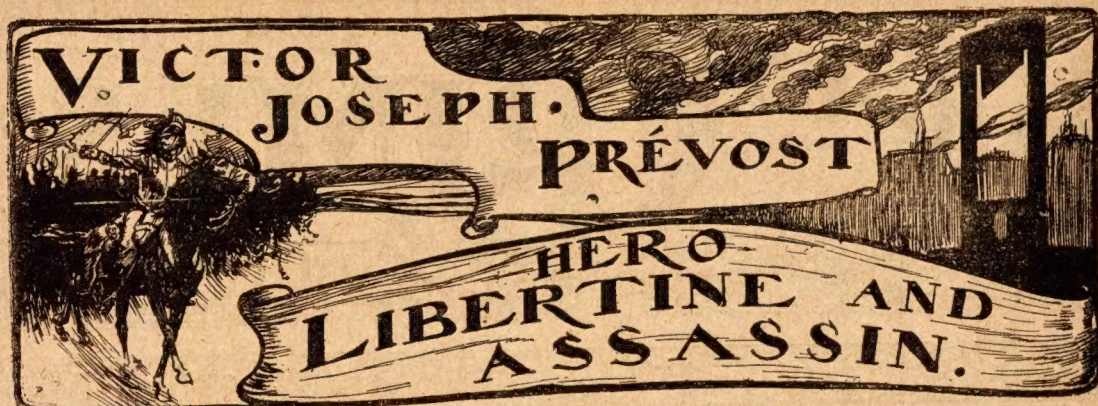
FAMOUS CRIMES

PAST AND PRESENT

CASH POISON ONE · PENNY POWDER



PREVOST MURDERS HIS SWEETHEART.



"He drains off life by drops, and, deaf to cries,
Examines every spirit as it flies;
He studies torment, dives in mortal woe,
To rouse up every pang repeats his blow."

—YOUNG, "On Michael Angelo's Famous Piece of the Crucifixion."

PART I.

THOSE of my readers who have read the terrible story of the murderer Voirbo, as I told it from my notes made during my sojourn in Paris when I had the opportunity of meeting the celebrated French detective, M. Gustave Macé, will, I am sure, be pleased to have before them another experience of that "Sherlock Holmes" of the middle of the last century. I therefore propose recording one more of his experiences, which, if not surrounded by so many horrors as that connected with the above-mentioned criminal nor serving to show M. Macé's extraordinary ability to run the murderer to earth, will prove equally interesting, forming as it does a chapter which must be regarded as absolutely unique in the annals of crime. Besides which, it will give my English readers an opportunity of learning something of the prison life of those condemned to death and the fearful method adopted in that country in enforcing the penalty for murder by means of the guillotine. To proceed then.

I must take my readers in fancy to Paris in the late summer of 1875, and I will show them one of the prettiest sights in the gay capital. It is the Flower Market (Marché-aux-Fleurs), on the banks of the Seine, which attracts each in their turn all the beauty, fashion, and sentiment of the French metropolis. The aristocrat goes there to purchase the fresh, pure, and odour-breathing flowers for the banqueting table; the widow and orphan visit the market to purchase blossoms with which to deck the grave; the lover for a bouquet to present to his mistress, and the grisette for her little pot of pinks, mignonette or rose bush which is to occupy her window as she plies her needle from sunrise to sunset, and make her dream of liberty and fresh air, and green fields, and sights and sounds of the country. You shall be attracted by the women and girls in their white caps and aprons, who look as pleasant as their flowers. They seem to have snatched a grace from their avocation, for they play with the blossoms so lovingly that you will wonder how they are induced to part with them for a few paltry coins. You will perceive at once that their perpetual contact with the pure and beautiful has produced an effect upon their whole nature and made them more charming than the generality of their sex who follow other vocations.

See, yonder, there, that fair girl just grown to womanhood, her fine round figure, deep blue eyes, and hair as bright and lustrous as gold. She is the belle of the Marché-aux-Fleurs, and the envy of all the girls and women in the place. Her name is Adèle Blondin, and she has more patrons than any three of the other marchandes put together. Watch her closely; you will see the pocket in the front of her snow-white apron bulging with sous, and

her stock-in-trade is more abundant and in greater variety than any other woman in the market. But why does the colour crimson her face as if it were reflecting the scarlet geraniums which she is deftly forming into a bunch? She has caught sight of that fine fellow who strides towards her dressed in the uniform of a sergeant-de-ville. See how coyly those blue eyes look up into his face as she snatches her hand away from him, which he has raised to his lips and kissed. As she puts together a pretty little button-hole of forget-me-nots and a violet and fixes it in his coat all eyes are turned upon the pair, for it would be hard to match them in all Paris—Adèle Blondin, a charming type of the sex, and the man perhaps without equal in the whole of France. It is easy to see that they are lovers. Indeed, they are more than that, for the fair Adèle, like many a girl before her, has fallen beneath the fascination of that splendid fellow. She has given herself body and soul to him, and they live as man and wife without the marriage certificate.

But who is this fine, handsome policeman who attracts such universal attention? It is Victor Joseph Prévost, late of the "Cent-Gardes" (the Emperor Napoleon III.'s bodyguards), acknowledged to be the finest specimen of a man, physically, in all Paris, the most renowned libertine, and eventually one of the most cold-blooded murderers in Europe.

But let me introduce this extraordinary bel homme and give a brief biographical sketch of his early career, for Prévost is to play the principal rôle in the drama-tragedy which in the seventies set all Paris tingling with horror.

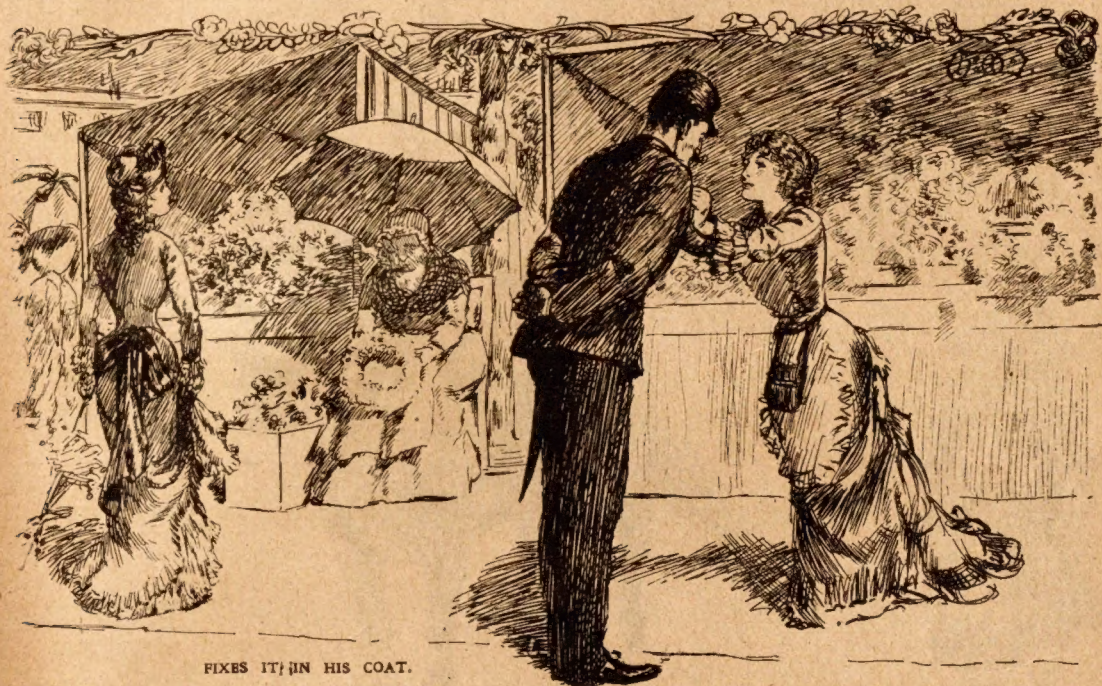
Victor Joseph Prévost was born at Mormant (Seine et Oise) on the 11th of April, 1836, and, having received a fair education for his position in life, was at the age of fourteen apprenticed to a wireworker in the Rue St. Jacques, Paris. Even at that age his fine appearance attracted the girls of the neighbourhood, and he was idolised by them, and found in their society relief from the arduous duties he had to perform. Badly lodged, insufficiently fed, no fixed meals in fact, with but a mattress to lie upon thrown on the floor, he, before he was sixteen, had to do the work of more than one man. In spite of the treatment he received from his master, his strength developed in a marvellous manner, and with it his appetite. So much so, indeed, that the food provided for him is not half enough, and he is tempted to commit his first crime. It is only that of stealing his foreman's dinner; but from that very hour dates young Victor's evil career. He is thrashed with a dog-whip for his theft, and that beating seems to have changed his whole nature; or, rather, perhaps it would be better to say was the means of bringing to the surface the lad's bad qualities, which were to multiply so enormously as he grew to manhood. Sullen but savage, Victor bided his time until he could have his revenge. Assisting

his foreman one day to fix some wirework above some skylights, with his enormous strength he twisted the wire they were fixing in such a manner as to throw the man off his feet, and he crashed through the glass into the yard below, cutting his face and hands dreadfully.

He was satisfied, and, having behaved as badly as it was possible in every way, his master was anxious to get rid of him; but being an apprentice this was somewhat difficult, for the French law is very strict in the matter of these contracts. However, fortune favoured both master and youth. Young Prévost was passing through the Luxembourg Gardens one day when he saw a great ruffian take away a concertina which a lad was playing. The young wireworker went to the fellow, and, wresting the instrument from him, took him up bodily and threw him heavily upon the grass, to the astonishment of several onlookers. Amongst them was a butcher, who accosted Prévost and asked him if he would accept a situation. Telling the stranger how he was placed and of his desire to leave the wireworker, the former called upon Victor's master, and,

which the "Kill-bulls" always spoke, and which was as vulgar and as obscene as it was, fortunately, unintelligible to the uninitiated. Their morals were in harmony with their language, so Master Victor before he was out of his teens had received an education which was not calculated to add lustre to his career. They must have been a happy family, too, where Prévost lodged, for the master butcher (a great ruffian), had his cashier for his mistress, and the apprentice shared an apartment with the housemaid. It is not surprising that the dashing, handsome young butcher fascinated the lady cashier, which led to a quarrel and desperate encounter between master and man, with the result that young Victor had to pack up his traps and leave.

He then obtained a situation at a high-class butcher's in the Rue St. Honoré, where Prévost had to dress himself very smartly, setting off to advantage his now splendidly-developed figure. Soon half the petticoats of the neighbourhood were after the handsome butcher, whom they christened "le beau vainqueur" (the beautiful conqueror—



FIXES IT IN HIS COAT.

after some little delay, arranged an exchange of apprentices, and Prévost appeared knife in hand with the apron of a butcher. He found his new occupation completely to his taste, for he was then able to satisfy his enormous appetite. The change soon had an effect upon him, and his stature and strength increased rapidly. He was not afraid of hard work, and thought nothing of carrying upon his shoulder trays of meat weighing 300lbs. and walking from one side of Paris to the other with it, for at this time the Central Meat Market had not been established, and cattle was killed in private slaughterhouses principally in the environs, from which butchers had to collect their meat. He was determined to become proficient in all the branches of his new trade, and nothing delighted young Victor more than the killing of the oxen and sheep. In the cutting up of the carcasses he became very clever and was highly complimented by his new master for the way in which he displayed the joints for sale. He seemed to revel in his new trade. The very smell of blood delighted him, and he seemed to find a veritable pleasure in handling the pieces of meat.

As may be imagined, the butchers and slaughtermen of Paris at this time (1843) were a low, ruffianly lot, and young Prévost soon fell into their ways, picking up the slang in

i.e., Victor). And so Prévost, growing finer and handsomer every day, in spite of his wild amours, continued his career of pleasure until the April of 1855, when he did perhaps the only one good thing in his life. His brother, who was the main support of his mother, was called upon to serve in the army, and Victor (possibly from a selfish motive solely) petitioned successfully to be allowed to enlist in his stead.

He entered the 4th regiment of Cuirassiers and passed on the 14th October, 1856, into the 2nd regiment of Cuirassiers of the Imperial Guard, and then, on the 25th of April, 1857, into the 1st regiment of the same. It was whilst with the latter that Victor Prévost behaved himself with great courage and heroism in the field throughout the Italian campaign. In the December of 1861 he received his discharge with a certificate for good conduct, and on the 4th of October, 1862, the dashing young soldier re-enlisted for seven years in the 2nd regiment of Cuirassiers of the Imperial Guard, and on the 20th of January, 1866, he was honoured by being selected as one of the Emperor Napoleon III.'s bodyguard, known as "Les Cent-Gardes."

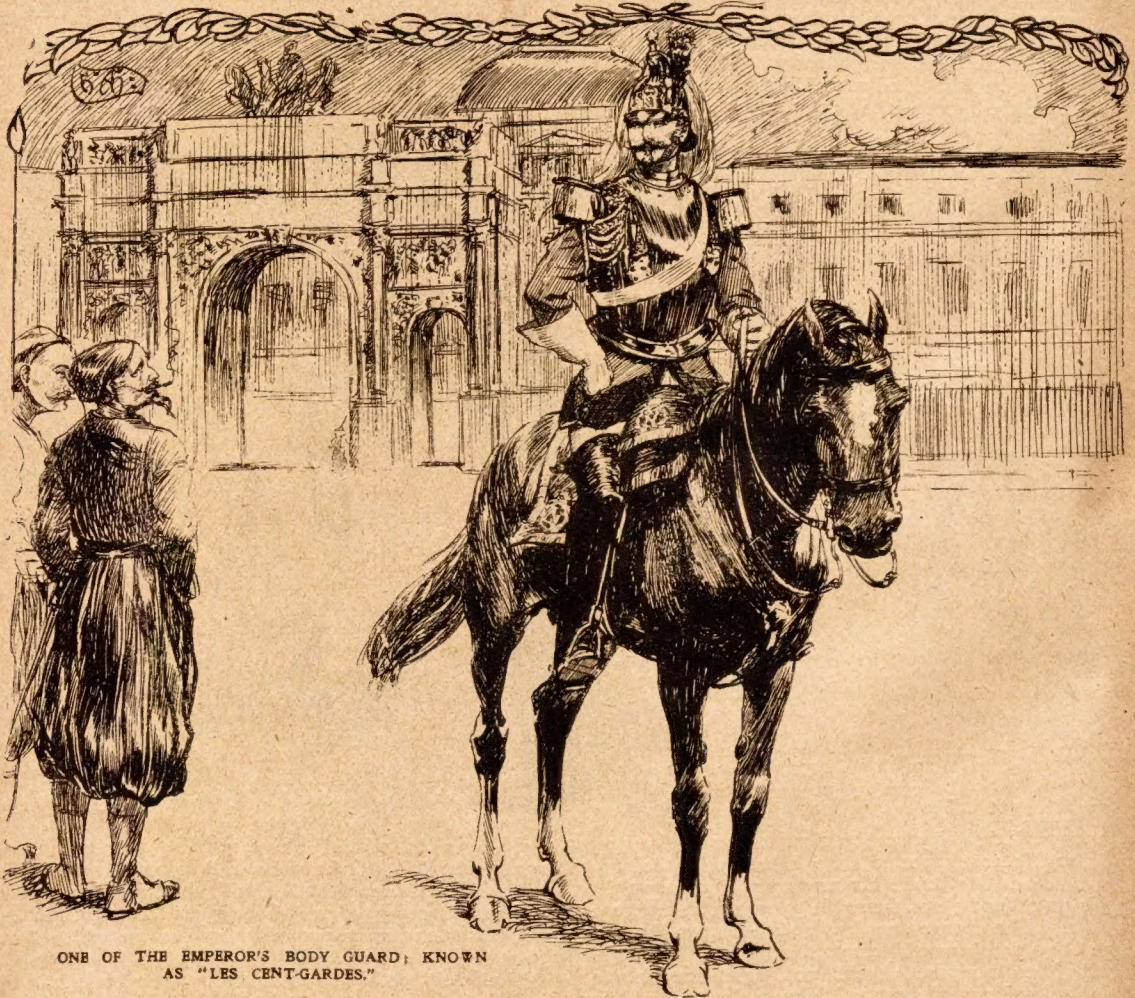
And now before proceeding with the career of this extraordinary man it may be interesting to have something to say about this squadron (for it could hardly be called

anything else) which was looked upon as the finest body of men collectively in the world, celebrated in the annals of the Second Empire as the most splendid troop that ever mounted horse.

"Les Cent-Gardes" were created in 1854 by the Emperor Napoleon III., as a private guard for himself and the Imperial family. It was intended that they should consist of exactly one hundred men, but it would seem that this number was never adhered to, for at first there were only fifty-four, and afterwards its strength varied, it becoming numerically 96, 150, and 208 men. The qualifications to become one of these guards were extremely exacting. In the first place, the age necessary was twenty-five, the man had to be over six feet in height, to be an accomplished

Let me give an idea of the magnificent uniforms worn by these picked men.

When riding the full-dress uniform was composed of a steel helmet with crest, band in copper, and double white mane; a plate in bright brass, triangular in shape, had embossed upon it two laurel branches, and an N surmounted by the Imperial crown. The tricolour plume was ornamented with a white disc. The tunic was in sky-blue cloth, the skirt lined with purple. The collar was of scarlet, with a gold band. The breast-plate of burnished steel weighed twelve pounds, and was studded with small bosses of brass. The epaulets had gilded cullions, and the shoulder knots had two plaits, half gold and half wool. The gloves, in white buckskin, had high gauntlets, and



ONE OF THE EMPEROR'S BODY GUARD; KNOWN
AS "LES CENT-GARDES."

horseman, be of fine figure, and handsome face, of good character (from a Frenchman's point of view), and to have held the rank of a non-commissioned officer or officer. So it may be readily understood that there was some little difficulty in getting such men together in any number. In fact, only ninety-six men could be found who were eligible during a period of six months, and that strength could not be increased for three years.

"Les Cent-Gardes" had very hard service, for they mounted guard inside the Imperial palace night and day, did duty at the theatres when the Emperor was present, attended reviews, public receptions, etc. Each man had a servant to groom his horse, which was a magnificent black charger, everyone of them matched throughout the troop; but so much attention had to be bestowed upon their personal appearance that there was little enough leisure.

the breeches were of the same material. The black boots came high up over the knee, and the spurs were shaped "à la chevalier."

When on foot the breast-plate was replaced by a tunic in fine cloth, chamois coloured. On the front was the Imperial coat of arms embroidered in gold and surmounted by the crown. The ordinary town dress had the same tunic with epaulets as in the full dress. The sword-hilt was shell-shaped and was surmounted with a crown and the letter N. The hat, pointed back and front, had a white cockade. The trumpeters wore scarlet tunics with gold bands. They had no colours of their own, only a guidon or broad pennant, but it was the privilege of Les Cent-Gardes to present them to the other regiments of the Imperial Guard. Their cloaks were of sky-blue with scarlet collars—all blue for the officers. The saddles were

brown for the men, white for the officers, with crimson cloths trimmed with gold, the whole of the harness ornamented with the Imperial crown and the letter N.

The Emperor was once asked by an intimate friend what was his reason for having at such cost and trouble got together such a magnificent body of men. His reply was, "For the reproduction of mankind and to give to the Parisians some fine children."

The story of the regiment would have little interest for our English readers. Suffice it to say that they were during war always to the front. At Sedan, at Gravelotte, etc., many were killed, and after the fall of the Empire the few that were left were placed in the various cavalry regiments.

In July, 1891, Dr. Gerard, once belonging to the old troop, had the happy idea of bringing those that were left of the old Cent-Gardes together. He found no less than 227 living, and they feasted right merrily those that were able to respond to the invitation, and during the banquet one of the most discussed subjects was the awful career of their late comrade Victor Prévost, who had been so well known to many of them.

Prévost when one of the Cent-Gardes was the embodiment of physical beauty, and his long moustache, lightly turned up at the corners, gave to his head a manly and graceful appearance. The uniform did not set off the man, but the man set off the uniform, and he was invariably pronounced to be one of the finest, if not the finest man in the troop, and was the admiration of all from the Emperor himself down to the little grisette of the boulevards.

Gustave Macé, who knew him well since he was twenty years of age, has described him to me most graphically not only as a fine specimen of humanity, but as an individual, and the famous detective judged him only too well when he left the army on the 14th of April, 1869, about six months before I introduce him to my readers in the Flower Market of Paris, paying his devotion to his mistress, Adèle Blondin.

Macé told me that when he left the Cent-Gardes he came away with a second certificate for good conduct and with the clasp of the Italian war medal, and desired to be admitted into the police force. He came and asked Macé to assist him to that end, but the detective urged him to go back to the army and refused his assistance. He took a thorough dislike to the man. To use his own words, "One of the most marvellous faculties of the human intellect is intuition, a particular sensation which gives a sort of divination in probing the thoughts in other people. I firmly believe that sympathy and antipathy have their sources in this intuitive faculty. When Prévost asked me to back him in his demand for entering the police force, I refused him point blank, and I gave him the advice to rejoin the army. He told me that with or without my assistance he would join the force, and he did. I do not know why, but I had for this man a sort of repulsion. I thought very little of him. I had discovered that he had no moral sense. His only thought was of eating, drinking, sleeping, and making love. He had no friends, no acquaintances only mistresses, if you can call fancies of an hour, a day, or a night such. This great, fine fellow I found stupid and cynical, full of vanity, but incapable of conversing about anything else but women, and I have known Prévost under his different costumes he has worn. As a Cuirassier he was superb, as a policeman he lost half his advantages, in civilian's dress he would have passed unnoticed but for his height. But it was only when dressed in the prisoner's garb that I was able to judge his character by his head with the hair cut quite close. Then, I compared it to one of those heads of the animals he was wont to dress and sell when he was in the butcher's shop. It was the head of a beast."

But I am going too far ahead. It was in the costume of the policeman that we left Victor Prévost. He has made an assignation with his mistress, and they are to take dinner together when she has finished her sales in the

market, for Victor is off duty early, and they are to make a night of it at the theatre.

The great fine fellow is saluted by all the pretty girls as he passes through the market, and at the café which he frequents he finds several of the demi-monde only too ready to treat the handsome policeman. Indeed, it is hardly necessary for him to carry a purse, for when Adèle is in his company she invariably pays, for the pretty blue-eyed woman has saved some fifteen hundred francs and gets a splendid living in the market, whilst Prévost has a pay none too great as a sergent-de-ville and can easily get rid of it, as he plays the part of gourmand. Everybody knows him, for at the time he is introduced to my readers he has been in the force for seven years, having been appointed by M. Husse, Chief of the Municipal Police, on the 1st of July, 1869.



He took a thorough dislike to the man.

It is a gay time this Prévost has of it, but he soon tires of the old love, and is ever ready to declare on with the new. Month after month passes by and he shows symptoms of wearying of Adèle, the little woman who worships the very ground he treads upon. Her one silent hope is that he will make her his wife; but she is too timid to suggest such a proceeding, in case it should be the means of breaking off the relationship already existing, for Adèle feels that she could not live without him. Yet his attentions become less fervent, and, with flushed face and breaking heart she has seen him through the door of the café more than once toying with other girls, and on one occasion she has seen with her own eyes a notorious woman seated on Victor's knee and twisting his huge moustache. From that night Adèle Blondin is an altered woman. Smothering her love that in spite of herself bursts into flame again when he is near, she finds solace in eau-

de-vie and absinthe. The pretty flower girl loses the roses from her cheek, and she is too frequently absent from her stall in the market. What a change has come over the woman! She seems careless of everything—dress, hair, house, and all. There are bickerings, then open quarrels, in the apartments in the Rue de l'Évangile, and screams have been heard in the street below.

Mdlle. Blondin still keeps on her own rooms, No. 2, Rue Dancourt, although she is rarely there. But now she gives way to drink more than ever, and, making a last appeal, begs the man she loves to make her his wife.

Prévost affects to be astounded. "What!" he ex-



Twisting his huge moustache.

claims, "make an abandoned woman like you my wife! You must be crazy! Never fear, ma chère, no married life for me. I am a free lance, and have not finished with half the pretty girls who come to my beck and call. Get that idea out of your silly head as soon as possible, Mdlle. Adèle."

But the girl does not get it out of her head, and all the animal nature of the man gradually simmers to the surface. Victor Prévost now hates, detests the very sight of the woman, and ceases to caress her. He is no longer the dashing gallant, the lady-killer of the Cuirassiers, not even the fascinating policeman so well known as the *bel homme*. He is once more the low butcher who swore and slanged

in the slaughter-houses and led a life of vice and debauchery. Victor Prévost is in his true colours; he is the animal—the beast—once again. He is thirsting now for blood and he longs to handle the lumps of red, raw meat. His dreams were always of blood, of death, and the dressing of carcasses. The man is not in his right senses when he thinks of blood. He is not answerable for his actions. It is a mania—an incurable mania—fostered by the sight of the blood of the slaughterhouse and the use of the knife on flesh. Even the blood of the battlefield had the same influence over him. In the midst of all the excitement of the fight he had a thirst for blood, and his comrades have told how he would, with a look of supreme contentment upon his countenance, hack and hack with his sabre at the bodies on the field long after life was extinct. He was a butcher by instinct, and the feeling to cut was irresistible.

It is on the Tuesday afternoon preceding the Lent of 1876 that he is seated in his rooms at the Rue de l'Évangile. The weather is hazy, with a drizzling rain falling, making the furniture and everything inside clammy to the touch. It is about as cheerless and melancholy a February afternoon as could be imagined. Upon the bed is the well-shaped form of a woman. She sleeps, but is very restless, and tosses from side to side, now and then muttering incoherently. It is Adèle Blondin, but you would hardly recognise the pretty flower girl of the Marché-aux-Fleurs, the face is so changed. Of a pasty whiteness, beneath the eyes the flesh is swollen and the cheeks are bloated. It is the effect of drink, and it has done its work too well.

Sitting with a hand supporting his head and the other his elbow, Prévost fixes his eyes upon the woman. "Curse her!" he hisses, "and that's the thing that would have married me—me, the ex-Cent-Garde, the handsomest man in the troop, the most admired man in the ballroom of the Tuileries, as the wealth and talent of France turned their eyes upon me with more interest and curiosity than upon the glittering diamonds and blazing stars worn by the greatest in the land. Yes, I say again, curse her! Marry me! Yes, I will find a partner for her! I'll marry her—to Death!"

And a strange light came into his eyes—that same curious light that reflected upon the sight of blood. Then, continuing to himself, he muttered, "Yes, marry her to Death! Ay, why not now? One thousand five hundred francs! Who will be the wiser? Nobody. Victor Prévost knows how to do his work too well. He has served his time at it."

Then, gliding out of the apartment, he goes to a box and brings out a set of butchers' knives, the same instruments with which he has killed and flayed hundreds of beasts in the years gone by. His cherished playthings are these keen-edged knives. From a cupboard he fetches out a long iron with a heavy knob at the end. It is the centre piece of a railway coupling-iron which he has brought from the Northern Railway, in whose yard he has been for some time on duty. Arranging a pail, clothes, and everything methodically, he returns to the room where the sleeping woman is rolling and tossing about. There is a glare in his cruel eyes as he takes off his coat and coolly turns up his shirt sleeves. Then his fingers twitch as they creep up the breast of the woman, and, as if they had been controlled by some powerful hidden spring, clutch like flexible steel around her poor white neck. There is a gurgling noise for an instant, and those beautiful blue eyes stare from their sockets and speak imploringly as they are fixed for the last time upon the wretch. Those eyes through which the woman's soul has poured itself out with all that love, affection, and devotion, are now staring in a ghastly manner at her murderer.

Tighter and tighter becomes the clutch, and the face is blackening and the tongue, congested and blue, lolls out of the side of the once beautiful mouth. Adèle Blondin, the pretty, lovable little belle of the flower market, is strangled.

Without a tremor of the hand or change of countenance, this fiend in handsome human form proceeds with his ghastly work. With a severe blow over the head, he crushes the skull into the poor brain, and then ripping the white linen so daintily trimmed with fine lace and sky-blue ribbon from the body, he continues his brutal operations. Lifting the graceful form, still quite supple, from the bed, he holds the head over one of the vessels, and with his largest knife and with one stroke he severs the head from the body, and it falls with a heavy thud into the zinc bath, now besmeared with blood, the beautiful golden hair reddened as if it were fired. So dexterously does he perform his operations that, save here and there spirts of the crimson fluid which reach to the bed hangings, most of the blood is caught in the vessels he has prepared. They are emptied and replaced time after time until there is but a small silent flow, and the lovely skin of the fair woman is as white as the driven snow.

Then rolling down some sacking upon the floor, he proceeds with his awful task, which is almost too terrible to describe. It will occupy him for hours, for he is bent upon skinning the whole of the body with those little chefs' knives, which he handles so deftly. Carefully proceeding, but with wonderful rapidity, he never flinches, and it might be the carcase of a calf that he was performing upon in the slaughterhouse, so little does it affect him.

By the light of the lamp, for the day has closed early and the mist and drizzle outside is more triste than ever, he completes his task—that of dismembering the body and cutting the flesh into small slices. He knows well that he will not be disturbed, for the woman who occupies the room above never returns until late at night, and the lodger beneath is rarely in his rooms until after midnight. It is a favourable night, too, for the disposal of at least some part of the corpse, so towards eleven o'clock he takes the head in a basket and hides it in a place never frequented near the fortifications, and the pieces of flesh he will make away with by degrees by putting them unnoticed down the drains.

So methodically does he work and with such ingenuity, that in a few days all traces of this terrible crime are effaced so far as he is concerned. Of course, Adèle Blondin is missed, and he is the first who is called upon to say where she is. With the greatest sang-froid Prévost declares that they had a quarrel and that the woman left him in great anger, declaring that she would never see him again. This, however, did not satisfy the few relations belonging to the girl, and they went to the Commissary of Police, who instituted inquiries for the missing girl. Prévost was called, for it was known to everybody that he was her lover; but his answers appeared to be so satisfactory that he was never for a moment suspected. Perhaps his uniform protected him. But, then, who would have dreamed that Prévost could commit a murder. It seemed impossible that this man, mild, polite with the public, having the esteem of his superiors and of his comrades, could be the author of such a crime. So none of the body having been found or identified and the head resting quietly where he had placed it, the police investigation ceased; their report to the relations of Adèle Blondin was that she had disappeared, that every effort had been made to discover what had become of her without success, and that immediately anything came to light they should be communicated with.

This crime, as I have stated, took place in the February of 1876, and on the 8th of July of the same year Prévost leaves his furnished rooms at 22, Rue de l'Évangile, and takes apartments at No. 7, Rue des Roses, furnishing them with the money he has stolen from his sweetheart and victim, Adèle Blondin. He has quite a first-rate home of his own now, all the articles being new and of the best. Yet, clever as the policeman is, he was much too daring, and M. Macé never could understand why he was not bowled out at the time. The police must have been painfully slow or neglected to search for the missing girl entirely. So hazardous a game did Prévost play that he

actually, within a few weeks of the crime, pawned several articles of jewellery belonging to the dead girl in the Mont de Piété, and in his own name, too. Other articles he sold to his comrades and dealers in the district.

But his time has not yet come, and he is permitted to go the even tenor of his way. So, with a cheerfulness which is inexplicable, he continues his love-making and his gourmandising to his heart's content, still called the "bel homme." Never a pang of conscience does he apparently feel for the atrocious crime he has committed. He is once again the light-hearted Victor Prévost, the handsome, stalwart sergent-de-ville, the pet of the ladies, and the envy of the men.

For three years after the murder of his mistress does



Prévost distributes the pieces of the corpse.

this fiend mix with his fellow-men and women, clasping hands with his blood-stained ones, and embracing the fair sex when and where he pleases.

But there shall be a day of reckoning, M. Victor Joseph Prévost! The long arm of Justice shall be extended and hold thee tight in its grip. For the poor, innocent life of the woman whom you have defiled and then murdered in cold blood thou shalt suffer a hundred-fold. The sword of the all-powerful Avenger is unsheathed. Presently it shall strike. Not to kill with one blow, but to menace before the final despatch, and strike terror and agony to thy blackened heart.



The "No Popery" Riots.

HOW INCAUTIOUS WORDING
IN AN ACT OF PARLIAMENT
SET THE COUNTRY ON FIRE.

"Religion, blushing, veils her
sacred fires,
And unawares, morality ex-
pires."

—POPE, "The Dunciad."



THE history of London, from its earliest epoch, exhibits the occurrence of no event of a more calamitous nature, or more pregnant with mischief, than the riots of 1780. A commotion so rapid, and so daring in its progress, was perhaps never known. The sovereignty of the King, and the safety of the property of the subject, rested on laws which were unsupported; the magistrates were confessedly intimidated, and all good and loyal citizens were seized with a terror and panic, which were alone dispelled by the restoration of tranquillity through the instrumentality of the military force.

The origin of the riot is ascribed to the passing of an Act of Parliament, about two years previously, for "relieving his majesty's subjects, of the Catholic religion, from certain penalties and disabilities imposed upon them during the reign of William III." A petition to Parliament was framed for its repeal, and a general meeting of a body of people, forming the Protestant Association, headed by Lord George Gordon, was held on May 29, at the Coachmakers' Hall, Noble Street, Aldersgate Street. At this meeting the noble lord moved the following resolutions:

"Whereas no hall in London can contain forty thousand persons,

"Resolved,—That this association do meet on Friday next in St. George's Fields, at ten o'clock in the morning, to consider the most prudent and respectful manner of attending their petition, which will be presented the same day to the House of Commons.

"Resolved,—For the sake of good order and regularity, that this association, in coming to the ground, do separate themselves into four divisions, viz., the London division, the Westminster division, the Southwark division, and the Scotch division.

"Resolved,—That the London division do take place of the ground towards Southwark; the Westminster division second; the Southwark division third; and the Scotch division upon the left, all wearing blue cockades, to distinguish themselves from the papists, and those who approve of the late Act in favour of popery.

"Resolved,—That the magistrates of London, Westminster, and Southwark are requested to attend; that their presence may overawe and control any riotous or evil-minded persons who may wish to disturb the legal and peaceable deportment of his majesty's subjects."

His lordship having intimated that he would not present the petition unless twenty thousand persons attended the meeting, and the resolutions having been published and placarded through the streets, on the day appointed a vast concourse of people from all parts of the city and its environs assembled in St. George's Fields. The main body took their route over London Bridge, marching in order, six or eight in a rank, through the city towards Westminster, accompanied by flags bearing the words "No Popery." At Charing Cross the mob was increased by additional numbers on foot, on horseback, and in various vehicles, so that by the time the different parties met together, all the avenues to both houses of Parliament were entirely filled with the crowd. The rabble now took possession of all the passages leading to the House of Commons, from the outer doors to the very entrance for the members; which latter they twice attempted to force open; and a like attempt was made at the House of Lords, but without success in either instance. In the meantime, Lord George Gordon came into the House of Commons with an unembarrassed countenance, and a blue cockade

in his hat, after "riding in the whirlwind and directing the storm;" but finding it gave offence, he took it out and put it in his pocket, not however before Captain Herbert, of the navy, one of the members, threatened to pull it out; while Colonel Murray, another member, declared that, if the mob broke into the house, he (looking at Lord George) should instantly be the victim.

The petition having been presented, the populace separated into parties, and proceeded to demolish the Catholic chapels in Duke Street, Lincoln's Inn Fields, and Warwick Street, Golden Square; and all the furniture, ornaments, and altars of both chapels were committed to the flames. After various other outrages the prison of Newgate was attacked. They demanded from the keeper, Mr. Ackerman, the release of their confined associates; he refused to comply, yet, dreading the consequence, he went to the sheriffs to know their pleasure. On his return he found his house in flames, and the jail itself was soon in a similar situation. The doors and entrances were broken open with crowbars and sledge-hammers, and it is scarcely to be credited with what rapidity this strong prison was destroyed. The public office in Bow Street, and Sir John Fielding's house, adjoining, were presently destroyed, and all their furniture and effects, books, papers, etc., committed to the flames. Justice Coxe's house in Great Queen Street, Lincoln's Inn Fields, was similarly treated, and the two prisons at Clerkenwell set open, and the prisoners liberated. The King's Bench Prison, with some houses adjoining, a tavern, and the New Bridewell, were also set on fire, and almost entirely consumed.

The mob now appeared to consider themselves as superior to all authority; they declared their resolution to burn all the remaining public prisons, and demolish the Bank, the Temple, Gray's Inn, Lincoln's Inn, the Mansion House, the royal palaces, and the arsenal at Woolwich. The attempt upon the Bank of England was actually made twice in the course of one day; but both attacks were but feebly conducted, and the rioters easily repulsed, several of them falling by the fire of the military, and many others being severely wounded.

To form an adequate idea of the distress of the inhabitants in every part of the city would be impossible. Six-and-thirty fires were to be seen blazing in the metropolis during the night.

At length the continued arrival of fresh troops, from all parts of the country, within fifty or sixty miles of the metropolis, intimidated the rabble, and soon after the disturbances were quelled.

The Royal Exchange, the public buildings, the squares, and the principal streets, were all occupied by troops; the shops were closed; while immense volumes of dense smoke were still rising from the ruins of consumed edifices.

During the riots, many persons, terrified by the alarming outrages of the mob, fled from London, and took refuge at places at a considerable distance from town. The following account was written by Dr. Johnson to Mrs. Thrale, who had gone into the country for safety, and may not prove uninteresting. The doctor was an eye-witness to many of the scenes which he depicts:

"On Friday, the 2nd of June, the good Protestants met in St. George's Fields, at the summons of Lord George Gordon, and, marching to Westminster, insulted the Lords and Commons, who all bore it with great tameness. At night the outrages began by the demolishing the Mass-house near Lincoln's Inn.

"On Monday, Mr. Strahan, who had been insulted, spoke to Lord Mansfield, who had been insulted, too, of the licentiousness of the populace, and his lordship treated it as a very slight irregularity.

"On Tuesday night they pulled down Fielding's house (the public office in Bow Street), and burnt his goods in the street. They had gutted, on Monday, Sir George Saville's house, but the building was saved. On Tuesday evening, leaving Fielding's ruins, they went to Newgate, to demand their companions, who had been seized for demolishing the chapel. The keeper could not release them but by the mayor's permission, which he went to ask. At his return he found all the prisoners released, and Newgate in a blaze. They then went to Bloomsbury, and fixed upon Lord Mansfield's house, which they partly pulled down; and, as for his goods, they totally burnt them. They went to Caen Wood (his lordship's country seat), but a guard was there before them. They plundered several Papists, and burned a Mass-house and some dwelling houses in Moorfields the same night.

"On Wednesday I walked with Dr. Scott to look at Newgate, and found it in ruins, with the fire yet glowing. As I went by, the Protestants were plundering the Sessions House at the Old Bailey. There was not, I believe, a hundred; but they did their work at leisure, in full security,

without sentinels, and without trepidation, as men lawfully employed in full day. Such is the cowardice of a commercial place!

"On Wednesday they broke open the Fleet Prison, the King's Bench and Marshalsea Prisons, Wood Street Compter, and Clerkenwell Bridewell. At night they set fire to the Fleet and the King's Bench, and I know not how many other places; and one might see the glare of conflagration fill the sky from many parts. The sight was dreadful. Some people were threatened; Mr. Strahan advised me to take care of myself. Such a time of terror you would have been happy in not seeing.

"The king said in council 'That the magistrates had not done their duty, but that he would do his own,' and a proclamation was published directing us to keep our servants within doors, as the peace was now to be preserved by force.

"The soldiers were sent out to different parts, and the town is now quiet. They are stationed so as to be everywhere within call; there is no longer any body of rioters, and the individuals are hunted to their holes, and led to prison; Lord George Gordon was last night sent to the Tower.

"Mr. John Wilkes was this day in my neighbourhood, to seize the publishers of a seditious pamphlet.

"Several chapels have been destroyed, and several inoffensive Papists have been plundered; but the high sport was to burn the gaols. This was a good rabble trick. The debtors and the criminals were set at liberty; but of the criminals, as has always happened, many are already retaken, and two pirates have surrendered themselves, and it is expected they will be pardoned.

"Government now acts with its proper force, and we are all now again under the protection of the king and the law. I thought it would be agreeable to you to have my testimony to the public security, and that you would sleep more quietly when I told you that you were safe.

"There has been, indeed, an universal panic, from which the king was the first that recovered. Without the concurrence or assistance of his ministers, or even the assistance of the civil magistrates, he put the soldiers in motion, and saved the town from calamities such as a rabble's government must naturally produce.

"The public has escaped a very heavy calamity. The rioters attempted the Bank on Wednesday night, but in no great numbers; Jack Wilkes headed the party that drove them away. It is agreed, that if they had seized the Bank on Tuesday, at the height of the pause, when no resistance had been prepared, they might have carried away whatever they had found."

The number of persons killed in this dreadful riot is variously stated. Many persons, strangers to the attempt, were destroyed by the necessarily indiscriminate fire of the

soldiers and militia; and although it is impossible to calculate the precise number who lost their lives, from the circumstance of many being carried off by their friends, it is believed to be about 500.

Lord George Gordon, the leader and instigator of these riots, was subsequently tried in the Court of King's Bench, and by some good fortune escaped conviction. There was little doubt that he was occasionally subject to aberrations of intellect. His death took place some years afterwards in the King's Bench Prison. He had been indicted for a libel on Marie Antoinette, the late unfortunate French queen, and the Count d'Ademar, one of the ministers of state, and having been convicted, fled from punishment, and was afterwards apprehended in Birmingham, attired in the garb of a Jew, with a long beard, etc., where he had undergone circumcision, and had embraced the religion of the unbelievers. He died professing the same faith.

Many of the rioters were apprehended, and having been

recognised, were convicted and suffered death, in most instances opposite to the places in which the scenes were enacted, in which they were proved to have taken a part. Among them were many women and boys, but there was not one individual of respectability or character. They were all of the lowest class, whose only object was plunder.

Among the rioters, to sum up the account of their infamy and wretchedness, was Jack Ketch himself. This miscreant, whose real name was Edward Dennis, was convicted of pulling down the house of Mr. Boggis, of New Turnstile. The keeper of Tothill Fields' Bridewell would not suffer Jack Ketch to go among the other prisoners, lest they should



THE "NO POPERY" RIOTERS IN MOORFIELDS.

him to pieces. In order that he might hang up his brother rioters, he was granted a pardon!

The following is an extract from the king's speech to both Houses of Parliament, the 18th of June, soon after the riots were ended:

"My Lords and Gentlemen,—The outrages committed by bands of lawless and desperate men, in various parts of this metropolis, broke forth with such violence into acts of felony and treason, had so far overborne all civil authority, and threatened directly the immediate subversion of all legal power, the destruction of all property, and the confusion of every order of the state, that I found myself obliged, by every tie of duty and affection to my people, to suppress, in every part, those rebellious insurrections, and to provide for the public safety by the most effectual and immediate application of the force entrusted to me by parliament. I have directed copies of the proclamations issued upon that occasion to be laid before you.

"Proper orders have been given for bringing the authors and abettors of these insurrections, and the perpetrators of such criminal acts, to speedy trial, and to such condign punishment as the laws of their country prescribe, and the vindication of public justice demands.

"Though I trust it is not necessary, yet I think it right, at this time, to renew to you my solemn assurances that I have no other object but to make the laws of the realm, and the principles of our excellent constitution in Church and State, the rule and measure of my conduct; and that I shall ever consider it as the first duty of my station, and the chief glory of my reign, to maintain and preserve the established religion of my kingdoms, and, as far as in me lies, to secure and to perpetuate the rights and liberties of my people."

He Wouldn't Give.

A SOLICITOR was once sent for by a notorious miser, who was dying, for the purpose of drawing up his "last will and testament." The lawyer at once commenced to write: "I give and bequeath," when the miser interrupted him with, "No, no; I can do nothing of that kind. I will never give or bequeath anything; I cannot do it."

"Well, then," said the man of law, after thinking for a few moments, "suppose I put it this way—I hereby lend so-and-so, to be repaid with interest at the last day?"

"Yes, yes; that's better. That will do very well," and the miser went on to lend all his real and personal estate to his poor relations.

The Sleeping Judge.

IN the year 1753, six of the principal judges sat to arbitrate a case in camera, and while the counsel on each side was arguing on his client's behalf one of the judges fell fast asleep. When all the witnesses and counsel had been heard an officer was sent round to each judge to ask him for his opinion on the matter, and, on arriving at the still sleeping judge, he shook him gently and said: "My lord, your opinion, if you please?"

The judge started out of his sleep, and, only half awake, said that his opinion was that "the man should be beheaded."

"But, my lord," suggested the official, "the business in hand is about a meadow, not a man."

"Let it be mowed, then!" was the answer, as he again dropped off to sleep.

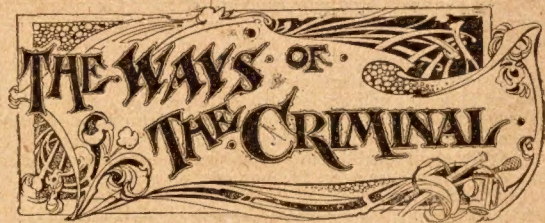
The Jury Were Dense.

A MAN was once tried before Mr. Justice Maule for wounding with intent to do grievous bodily harm, and also for a common assault.

The counsel for the defence made a great effort to convince the jury that his client did not intend to do "grievous bodily harm," and that they could only find him guilty of a common assault.

In summing up, the judge, who was one of the most ironical men on the bench, carried his irony too far. He told the jury that what the prisoner's counsel had said was perfectly true, viz.: that, if the prisoner did not intend to do grievous bodily harm, he could not be convicted of that offence, but only of common assault. If, therefore, the jury were of opinion that the ripping up of the prosecutor's abdomen so as to cause his bowels to protrude was done without the intent of doing him any bodily harm, they would acquit the prisoner of the aggravated assault and find him guilty of a common assault only; but if they were of opinion that he had this intent to do grievous harm, then they would find him guilty of the greater offence.

To the surprise of everybody in the court, the jury found the prisoner guilty of a common assault. The judge's irony being too fine, the jury took it quite seriously.



XXXI.—CRIMINALS' CODES AND SECRET SIGNS.

"Brixton Prison, No. 2,767 B $\frac{3}{4}$, Thos. Ellis.

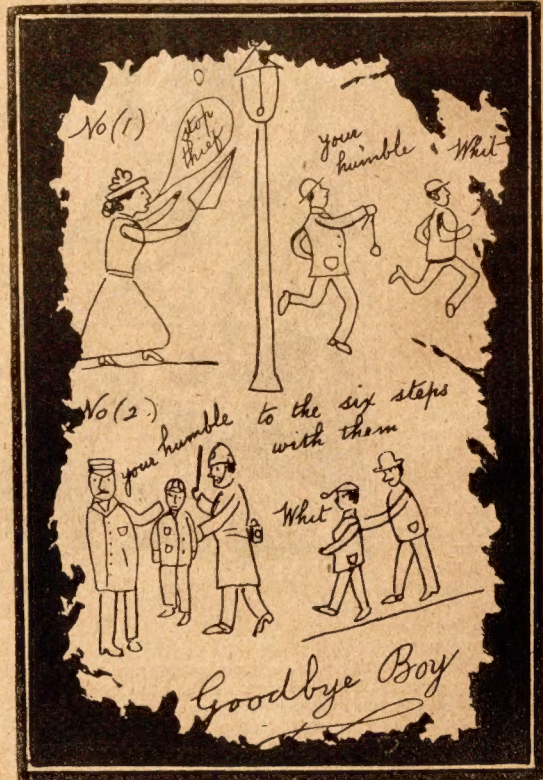


EAR H,—I hope you are quite well, as it leaves me at present, and I hope you are doing all right. Give my best regards to — and —, and all my pals up the road. I would have been all right if I had not run into the bents (detectives) for the holidays for it (the stolen property) was valued at £7 10s.

I was astonished to see Tom and Mac and three or four others on exercise (in the prison yard). Would you let me know how they get on? I am going for a holiday for a while, for I am fullied (committed for trial) to come up at the North London Sessions next week. How is Jack Whitfield getting on? Show him this letter, and ask him to fetch in some grub when he comes to see me. Good-bye.—Your true pal, T. ELLIS.

"P.S.—Don't forget Whitfield and the grub."

The letter given above was written in Brixton Gaol a few months ago by a man who, together with the Jack Whitfield mentioned in the missive, was charged with watch-snatching. From the first the writer of the letter confessed to the robbery, but he denied all knowledge of Whitfield, who on his part, loudly protested his innocence. The thief, how-



A picture letter from Brixton Prison—with a history.

ever, was of an artistic turn of mind, and on the back of his letter he drew two graphic pictures—one of the robbery and escape, the other of the scene when he and his pal were arrested.

Reproductions of the sketches are given herewith. In the picture which the thief labelled "No. 1" will be seen a lady, a man running away with a watch and chain in his



The polite burglar's message to the "boys."

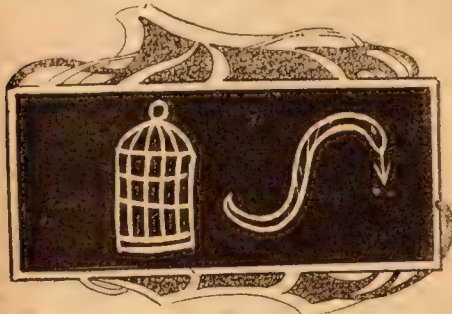
hand, labelled "Your Humble," and a second man, labelled "Whit," supposed to be short for Whitfield. The second sketch shows the arrest of both men, with the wording, "To the six steps with them," "six steps" meaning Bethnal Green Police Station.

When the judge read the letter to the jury he remarked amid much laughter that even the lamp-post near which the robbery took place was included in the drawing. The letter and sketches, which were found upon a third party when he was arrested on another charge (here the long arm of coincidence comes in), were sufficient to convict both Ellis and Whitfield, the former receiving twelve months and the latter eighteen months' imprisonment.

The signs used by criminals, however, are not all so easy to read as those just described.

In the olden days they were of the most elaborate nature, whilst even at the present day they take the form of hieroglyphics of the most puzzling kind.

Thus in a big jewel burglary which startled the police in the West End a few months ago, the leader of the gang of thieves who "put up the job" had the audacity to leave



How a gaol-bird told of his liberation.

instructions for his confederates inscribed on the shutters of the premises he intended to burgle. The writer of the signs was the man who actually broke into the premises. All his comrades were desired to do was to keep watch at certain corners. First came the date, just a couple of figures representing the day, and then the time, represented by a rough drawing of a man wearing an apron, calling out "Time, please!" and three strokes indicating hours, which meant three hours after half-past twelve, or 3.30 a.m. The men already knew the points at which they were to watch, and so by passing the shop were able to get the "office" when to go "on duty." The burglary was duly brought off, but for once in a way the burglar was a little too clever, and the finger-prints which he left behind led to his capture, with most of the plunder, a couple of days afterwards.

Another burglar, who is known to his pals as "The Snake," and who is now enjoying a thoroughly well-earned holiday at Dartmoor, signalled his last release from prison by leaving his "card" at the resorts of his associates. It consisted of a crude drawing of a snake coiled up outside a cage, signifying that he was at liberty. "The Snake," owing to the fact that he was on "ticket," felt that it was

necessary for him to keep out of the way of his comrades in crime as long as the eyes of the police were upon him, but he thought it would be just as well to let them know that he was out and about, and, if the opportunity was afforded, ready for anything that might turn up.

Pickpockets who attend weddings and other important social functions which draw large crowds have many methods of warning one another of danger should the detectives be present in large force.

They signal one another with their hands and hats very much in the style the "tick tack" men telegraph to book-makers on a racecourse, but, if this method is too risky, they write up a warning on a wall or post, so that anyone of the fraternity may run and read. The "hook" who spots the detective quietly makes his way to the church railings or the street corner, and chalks up a rough picture of a policeman's truncheon, a bull's-eye lantern, or a pair of handcuffs. Then he makes himself scarce, and so also do his pals if they see the sign before the police get hold of them.

A sign pretty well known to the thieving fraternity is that of a semi-circle with a long stroke attached, which looks at first sight like a reaping hook. A vertical stroke crosses through the horizontal one. This is the "trade mark" of the "fence," or receiver, and it looks as if the man who invented it had a pretty wit. In the fraternity stolen goods



Three types of warning signs. "Look out for the 'splits'" (police).

are described as "crook," or "on the cross," and the sign appears to be a combination of a crook and a cross.

In the olden time, however, the criminal fraternity were much more ingenious in the matter of pictorial signs, which in some recorded cases were of the most elaborate description.

Take, for instance, the message left by a burglar who had put up a job and wanted some of his pals to assist him. The burglar was known as "the terrier," and the message consisted of the drawing of a dog, the picture of a church, followed by that of a key. Underneath is the popular picture of a Christmas pudding with a sprig of holly stuck in the top, and by the side of this is the moon. The signs mean that on Christmas night "the terrier" intends to break into the church, and is a kind of call to arms to those friends of his who are likely to recognise the sign. In all probability "the terrier" had told his pals that he was "surveying" the church, and warned them to be on the qui vive for the signal. Another burglar's sign consists of a key standing upright, crossed by an arrow pointing towards the crib about to be cracked, and sometimes followed by a number of strokes indicating the number of houses from the sign at which the burglary is to take place.



The sign of the "receiver."

More often than not, however, this sign is used by the man who "puts up the job." This man travels round a prosperous suburb, spots a likely crib, and marks it as stated.

The complicated pictorial message is a letter and answer. The top line was written by an incendiary who desired to be

assisted in his crime. The arrow points to the house, the strokes signify the number, and the crescent that the deed is to be perpetrated when the moon is in its fourth quarter.



A picture puzzle for the police.

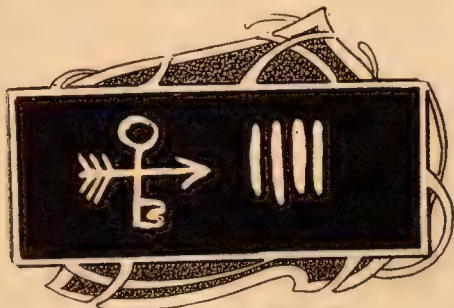
Underneath are the signatures of five other criminals who thus make known their intention to join in the crime.

But if burglars have their secret signs, so also have the men in blue who are set to catch them. These, however, are not in writing, but whilst they are clearly visible to the policemen, the burglar only knows of their presence when they have led to his capture. A policeman on night duty has a very responsible undertaking if there are many houses on his beat which are likely to attract the attention of "Bill Sikes." He may patrol his round with the greatest care, but unless he has "marked" the likely places it is all Lombard Street to an orange that the burglar will outwit him. So the policeman endeavours to match his wits against those of the criminal. The zealous officer goes out on night duty with a few bits of whalebone in his pocket and a reel or two of black cotton. As soon as he arrives on his beat he proceeds to "mark" all "dangerous places" and spots where burglars might gain access to the backs of houses, such as the tops of walls at the ends of streets and the alley ways between semi-detached villas.

This is done by stringing the cotton along the tops of the walls across gates and openings, fastening the ends securely. Of course the "marking" of gates is not done until the premises have been closed up for the night, and all respectable people are supposed to be indoors.

With the openings on his beat thus guarded, the policeman patrols with a light heart. He flashes his lantern at the spots where he placed his marks, sees the cotton in position, and knows at once whether all is correct or not.

This cotton idea led to an amusing incident with a romantic sequel some few months ago in the north of London. A gay Lothario—a member of a City firm—was courting a lady whose parents had a strong objection to him. However, the lovers thought little of the opposition, and to settle the matter in the way they most desired they secretly got wed. The



How a "burglable" house was indicated by the "nose."

young man's position for the time being prevented him from setting up house, and after the ceremony at the registrar's, the pair separated and returned to their respective homes.

Romeo used to visit his lady-love at night, and in order that no one should know of the arrangement, gained entrance to the house by climbing a back wall and thence through a window conveniently left open. All went well for a time, but one night the fates conspired against Romeo. From one

cause or another his visit was delayed until long after midnight, and some minutes after the watchful policeman had strung his cotton along the wall. The consequence was that when the young man climbed over he broke the cotton, a fact which the policeman duly noticed when he next passed that way. The constable was quick to take action. Scrambling carefully over the wall, he soon found the open window—for Romeo had not troubled to close it after him—and popped his head inside. Strange sounds met his ear—sounds that he was probably not unfamiliar with. They were not the usual noises which accompany a burglarious expedition, but the hearty smacks produced by kissing. To say that Robert was surprised is to put it very mildly. Stealthily he wormed his way through the open window into the room, and as quietly as a mouse he tiptoed across the floor. At the door he switched on his lantern, and in the circle of light he saw Romeo and the blushing and airily clad Juliet. Explanations somewhat difficult at first followed, and it was only a handsome tip which closed the policeman's mouth.

The bits of whalebone which policemen carry are doubled up and placed in between doors and doorposts, so that if the door is opened it springs away at once, and indicates to the constable that the place has been entered since he last passed. Small pieces of matches are used for the same purpose, and



An old-time incendiary "brief."

these are also dropped into keyholes of padlocks or fixed in the keyhole of an ordinary door lock.

Such ingenious contrivances greatly simplify the work of the night policeman, and increase the perils that surround the "knight of the jemmy and swagbag."

Half-seas Over.

A CASE was tried in 1876, at St. George's Hall, Liverpool, before Mr. Justice Bailey, concerning a collision between two ships at sea, and a sailor, one of the witnesses, in the course of his evidence, said, "I was standing abaft the binnacle at the time." The judge asked him where "abaft the binnacle" was, upon which the sailor, who was somewhat the worse for liquor, exclaimed, loudly enough to be heard by all present, "A pretty fellow to be a judge, and not to know where abaft the binnacle is!" Mr. Justice Bailey, instead of committing the man for contempt of court, said, "Well, my friend, fit me for my office by telling me where abaft the binnacle is; you have already shown us pretty well what is meant by half-seas over."

Only the Reflection.

GRIMALDI, the famous clown, was called as a witness in the year 1826, in a theatrical case, and Sir James Scarlett, as counsel, cross-examined him, and assumed a bantering, jocose tone. The spectators in the court were on the qui vive at the appearance of so famous a personage, and the lawyer commenced, with all eyes fixed on them, "Dear me! pray, sir, are you the great Mr. Grimaldi, formerly of Covent Garden Theatre?"

"I used to be a pantomime actor, sir, at Covent Garden Theatre," was the reply, as he blushed slightly.

"Yes, I recollect you well. You are a very clever man, sir. And so you are really Grimaldi, are you?"—(A pause.) "Don't blush, Mr. Grimaldi; pray don't blush; there is not the least occasion for blushing."

"I beg your pardon, sir, I really am not blushing," retorted witness rather angrily, while the court tittered.

"I assure you, Mr. Grimaldi, you are blushing violently," said Scarlett, smiling.

"I beg your pardon, sir, but you are really quite mistaken. The flush which you observe on my face is a scarlet one, I admit, but I assure you that it is nothing more than a reflection from your own."

The laugh was against Sir James, who joined heartily in it with the Bench, bar, and spectators.

THE TRIAL AND
MILITARY EXECUTION OF

GUNNER EDWARDS, R.A.

FOR SHOOTING AT THE ADJUTANT,
CAPTAIN EDWARD KEATE, R.A. . . .

"The paths of glory lead but to the grave."
—GRAY, "Elegy in a Country Churchyard."

PART I.



O what I will, gentlemen, somehow I can't make the grass grow over that there grave." Such was the language of a District Gunner who was showing P. and O. passengers the place where lay interred the remains of the soldier who had been shot by order of the Governor of Malta and her Dependencies for firing at, but missing, an officer. Such casual visitors to Malta as, during the call of their vessel in the Marsamucetto Harbour, find an acquaintance in the garrison or fleet who takes them in a four-wheeler down past the Porte des Bombes to

play a couple of rounds of golf on the nine-hole course round the Floriana Crown Work and Horn Work, cannot but think, if they are at Malta during the winter half-year, what an awful liar that District Gunner must be, for every ditch is rank with wild mint, sow-thistles, and vegetation of all sorts. At that season of the year it would take a powerful lot of salt to prevent grass growing anywhere. But there is another season, when the sun shines in all its vigour, when the ditches are baked bare, harder than a deal board, though not quite so hard as a brick, when the golf ball carries as if it would never stop. "Thirty-one, did Doctor X. do nine holes in? Why, it looks to me as if any fool could do a round in twenty-seven!" Wait until you try it! But even were the year all scorching sun, you would have thought that the District Gunner might have earned his tips better than by showing a bare, greenless grave. He might surely have had a nice little box hedge!

They talk a great deal about graves and funerals at Malta. In Floriana there is the Capucin monastery, where they used to show the "baked monks." The brother who guided you round would point out a niche, where, when his time came, would lie his remains, with his skin tanned and practically made into leather. P. and O. passengers no longer see that sight. Some years ago, just about the time when a portion of the skin of Pranzini, the French murderer, had been made into card-cases, an underbred visitor asked for as much of the hide of a baked monk as would make a pair of brown boots. Of course, his request was not complied with, and the Capucin monastery is now allowed to be seen from the outside only. Then, again, there is the Chapel of Bones, near Fort St. Elm. To see that chapel, it is necessary to obtain a permit from the Governor. True, there are one or two similar chapels in various parts of Italy, but your globe-trotter, who is having a run ashore on his way to India, Australia, or China, does not get a sight of them. And it is Tommy Atkins's fervent belief that, as soon as night comes, after a soldier has been buried at Malta his body is dug up again and boiled, so that his skeleton may be placed in this

Chapel of Bones. Of course, it is all a delusion; but one may hear a soldier say, "I have seen many funerals in that cemetery, but I have never seen them use more than one particular grave, and it is my belief they always use the same coffin."

"The stomach governs the world," as Eno's Fruit Salt says. Unhealthy climates cause morbid imaginations, and morbid imaginations cause crime. "Many things have caused Malta to be a better place than it used to be. A long way first of these comes "Cold Storage." New Zealand frozen beef may not be so good as American chilled beef; but there is a tendency to support the "Hempire," and at any rate one can get one's teeth through New Zealand beef, even though it be rather flavourless. "Black Sea Bull," from Sebastopol, might, in the old days, be seen ploughing or treading out the corn on the day before he was killed. Sheep, experts will tell you, will turn to goats after a couple of generations in Malta, or, at least, from being fed on the same sort of stuff that goats are fed on—potato-peelings and prickly-pear skins—they get that rank flavour which often makes a man with a delicate stomach vomit. Cows' milk is a rarity. Herds of she-goats are driven into Valetta, and into every other city, and their teats stick out at right angles to their udders. The whiff of garlic from the goatherd's fingers goes into every milk-jug, while as for the microbes of enteric fever—he is a fool who would touch milk until it has been sterilised. And on here and there a bastion, fifty or a hundred feet tall, may be seen some famous pedigree billy-goat, suffering the agonies of Tantalus, soothed only by the feelings of common sense, which tell him he will be a fool if he jumps down to certain destruction for the sake of a nanny-goat, be she ever so attractive. The Emperor Nicholas said that he had two generals fighting for him—General January and General February. The soldier in warm climates has three enemies, as shall be named in the order of the vigour of their enmity, and they are:

1, The Sun; 2, Woman; 3, Drink.

The most powerful forces with which to combat these three mortal foes are good food, good clothing, and good housing. Good water, it is assumed, is always forthcoming, unjustifiable assumption though that be.

Well had it been for Gunner Edwards had Malta been the only place where a soldier need not be an unpardonable sinner if he did a bit of grousing. But men were grousing in India, they were grousing in the Colonies, they were grousing at Hounslow. "Grin and bear it" is beautiful advice to give. It is not always easy advice to take.

Now, in the shiny East, in those days, men were not well fed, they were not well housed, they were not suitably clothed, and the rupee being at a high rate of exchange, they were not well paid. Old "Red Cap," who wears his Gwalior Star outside Partridge and Cooper's, at the corner of Chancery Lane and Fleet Street, remembers how his comrades were killed or injured by the falling in of the barracks at Loodiana, in spite of how Sir Charles Napier had protested against the shocking barrack accommodation when he was Commander-in-Chief in India. Several places are called the "Graveyard of India." The cantonment of Morar, in the Mutiny days, had huts that were death-traps for human beings, though they were happy homes for bugs. Men would lose their reason. In pure absence of mind they would load a rifle, fire it off at anybody or nobody, possibly get hanged, much more likely get acquitted on the ground of insanity.

But they were not always insane who fired off a rifle in cantonments. Many a ghastly murder was committed; still more often did a man deliberately work himself up into a state of determination to take summary vengeance for a real or imaginary wrong that he had suffered. Frequently the actual firing off a rifle was prevented by the careful watching exercised by comrades, acting unofficially, and in several cases the attempt to kill was similarly frustrated, though a cartridge was expended, and the tell-tale smoke came out of the muzzle. What invariably happened after an occurrence of that sort was that the soldier was placed under medical observation; this would excuse him all guards and other duties, and, not improbably, end in the man's being mustered as an "insane," and sent home by the first available opportunity to England, with a padded cell all to himself on the troopship, except at such hours as he was allowed to take exercise on one of the alley-ways on the upper deck, leading from bridge to bridge, and so far inboard that any attempt to throw himself over the side would be futile.

It is not a nice thing to have a man sleeping in the next bed to you if he has a way of murmuring to himself that he is going to put somebody's light out.

"The long summer's day will soon pass away, a-thinking of my darling little Flora" is a quotation from a song that caught on among soldiers in India. The Indian day is very long, especially in the hot weather, when a man is not allowed out of doors, except on duty, between 9 a.m. and 5 p.m. A man wants to sleep, and there is that fool in the next bed messing about with his rifle. It is enough to make you get up and see if your rifle does not want a bit of cleaning, and look if you can find a cartridge to put a bullet through your chum before your chum puts a bullet through you. And so you toss about, trying to rest, and are roused up, when fagged out, because it is time to turn out for evening parade or evening stables, or what not. As for the night,

such an outrageous amount of killing officers and non-commissioned officers, that the order went out from the Horse Guards that the next soldier who shot at an officer, no matter whether he killed him or whether he missed him, was to be tried by general court-martial, and, if found "guilty," was to be sentenced to be shot, and on no account was the sentence to be commuted. Edwards was the one to suffer.

"Satan finds some mischief still for idle hands to do" may be considered a very wise proverb. Penelope, to gain time before she kept her promise that she would wed one of her numerous suitors on the completion of her weaving, undid by night the work which she had done in the day. She set herself "piece-work." "Time-work" is in favour with



ONE DAY HE FIRED OFF HIS CARBINE AT CAPTAIN KEATE.

there is the creak of the water-wheel, the bite of the mosquito, and that fool in the next bed, still fooling about with his rifle, just as he was doing in the middle of the day.

There is a flash and a bang, and the orderly officer, who was passing by on his way to turn out the guard, has been killed, perhaps only wounded, perhaps missed. It was the man in the next bed, whose rifle was smoking, and he has a few more cartridges. He has tasted blood, and is going to cheat the hangman. He doubts there being anything worse in the next world than hot weather in the plains of India.

And if things were bad for the private soldier, they were frequently very bad for the officer, a victim to drink, debt, and difficulties. To keep an equable temper under such circumstances took a great deal of doing. There were good and bad in every station of life, and one or two officers were downright brutes, who forgot that men were of the same flesh and blood as themselves. It does not do to preach the doctrine of "Killing no murder." Indeed, there had been

trades unionists. But just consider so many years of "time-work" at "standing gun drill"!

There is a sergeant in charge of a squad—indeed, it might only be a corporal or a bombardier—having, years ago, given up all interest in his work himself, killing the weary hours, wondering when that trumpeter is going to sound "Dismiss," and making his squad more ill-tempered than himself.

"Now we will just do one round more. Tell off your duties, No. 1."

"No. 1 commands, directs, or superintends the boring and fixing of fuzes, directs the gun into the line of fire when running up, and lays," says the gunner.

"Duties, No. 2?" continues the instructor.

"No. 2 searches, sponges, rams home, runs up, elevates, and traverses."

"No. 4, if I catch you chewing tobacco again when you're at drill, I'll put you in the guard-room. What stores

do you bring up, No. 4, when preparing for action?"

"Attends to side-arms and supplies them to No. 2, runs up, and attends to the elevating screw and quoin in laying," replies the inattentive No. 4.

"I didn't ask you what your duties in action were; I asked you what stores you brought up when preparing for action, and you ought to have said, 'A hand-spike, side-arms, and a support for the head of side-arms.' Say that."

"A hand-spike, side-arms, and—"

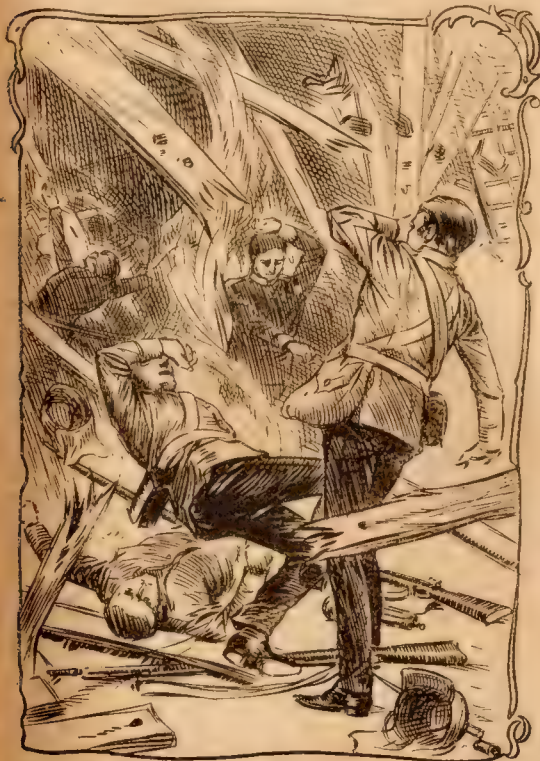
"And what?"

"And elevating screw."

"No. 4, you are not paying attention. No. 4 brings up a hand-spike, side-arms, and support for the head of side-arms."

And so on, and so on. There is the everlasting clack of the instructor's voice. They have altered things of late years. They have abolished the term "Number One;" they call him the "Gun Captain," and the man who lays the gun they call the "Gun Layer," and he gets threepence a day extra pay, and a letter "L" on his arm.

And they go in for "silent drill" nowadays. The Gun Layer does not shout out at the top of his voice: "Hand-



Over a hundred killed or wounded.

spikes, Elevate—Lower—Lower, gently—Quoin—Screw Depress—Halt—Under Cover." Now he holds his hand up if he wants elevation, and holds his hand down when he wants depression, and he spansks himself on his "Grenadier" when he has his gun laid to his satisfaction, and the whole detachment take posts under cover without any further word of command.

It so happened that one afternoon a sergeant had rather encouraged the men to take liberties with him. There was a friend of Edwards's, and a very bad friend, an employed man with a staff billet and a canteen medal, otherwise known as a "Good Conduct Medal," which proves that a man has been so many years without ever having been found out. The sergeant had said: "Now we'll just do one more round, and then—"

Folks expected he was going to add, "We will replace stores," or, at least, "We will stand easy until the officer says we may replace stores."

Instead of that, the sergeant said: "Now, we'll just do one more round, and then—we'll do another or two after that. Tell off to change rounds, No. 5."

Edwards was No. 5. He called out: "Two becomes 4; 1, 9; 9, 8; 8, 7; 7, 6; 6, 5; 5, 3; 3, 2."

"Change rounds," shouted the sergeant. "Change rounds," repeated the No. 1. Each man stepped into the place vacated by his predecessor, Edwards becoming a muzzle-handspike number on the left of the gun, the man with the canteen medal being No. 2, that is to say, the muzzle-handspike number on the right of the gun. The detachment was told off afresh, and drill proceeded.

Edwards, in ramming home, had his hands left hand back up, and right hand back down, whereas he ought to have held them right hand back up, and left hand back down, so as to use the triceps muscles of the arms (the educated reader can readily understand). But were there no physiological advantage, the fact remains that one way is correct, according to the drill-book, and the other way is wrong.

"That won't do! Spring that rammer again, Nos. 2 and 3," said the sergeant.

And they did spring the rammer, with a vengeance; the canteen medal man—he it was; there is no doubt about it, it was he—sprang the rammer, and sent it right through the embrasure, into the Mediterranean Sea, exclaiming:

"You can stuff the blooming rammer where the monkey—"

That was the beginning of Edwards's grouse. He was punished. Somebody had used those words. Edwards had helped to throw the rammer into the sea. Edwards knew quite well that No. 3 in ramming home should have had his hands right hand back up, and left hand back down. He knew his gun-drill as well as mortal man could. He was evidently doing all he could to seek trouble, and he had found it. Ten days C. B.

"Left turn. Quick march. Halt. Front. Fall out," said the battery-sergeant-major the next morning as Edwards was told off at the office, adding to the battery orderly: "Gunner Edwards, ten days C. B."

It is the fashion to say that our officers play too much polo. There was no polo in those days. There was very little in the way of cricket, or football, or amusements of any sort for the men. But who on earth is any the better for "the usual morning grind, fit for an addled mind?" Surely to goodness those gunners would have been doing more good had they been shaking the bugs out of their helmets (where they settle under the lining), or whitewashing the barrack rooms, or even doing absolutely nothing! It was not Satan finding mischief for idle hands to do; it was the wretched ennui of reiterating the same lesson time after time that made those gunners discontented. There was no short service in those days, and long service and standing gun-drill grow monotonous. In modern trades men become automata, but they are not automata saying their lessons like so many parrots.

Edwards had had enough of it. One day he fired off his carbine at Captain Edward Keate, Royal Artillery, an officer who had served before Sebastopol, a married officer, too, and father of as pretty a little girl as ever man set eyes on. One would have thought that for her sake a soldier would have refrained from firing at the father.

A General Court-Martial was speedily ordered to assemble, some thirteen officers, with a colonel as president. Now, were we writing fiction, we might tell the whole of what went on at that court-martial. But we are writing historical fact. For at such a court-martial as that before which Captain the Hon. Maurice Bourke, R.N., and the survivors of H.M.S. "Victoria," were tried for losing their ship when she was sunk by a collision with H.M.S. "Camperdown," the London papers sent reporters to Malta, and midshipmen, themselves prisoners on trial, explained the nautical evidence to the land-lubbers, and told them who was who. But there was no reporter at the trial of Gunner Edwards. Not that there was what the French call *huis clos*. All the time that evidence was being taken, the proceedings took place in "Open Court." But all the general public who were present were the prisoner's escort and the court orderly, a sergeant of Royal Artillery. They were able to tell the world at large that no evidence was heard in the prisoner's absence, though the deputy judge advocate informed the court that the crime with which the prisoner was charged had become a very common one, and pointed out in the marble paper-covered "Articles of War" and the "Mutiny Act" that the death penalty could be inflicted for it. The finding and sentence were recorded on the "Proceedings," which were signed and dated by the president, and by him taken to the deputy adjutant-general at the Palace to be "confirmed and approved" by His Excellency, the Governor and Commander-in-Chief.



Beheaded by the Rope.

The Ghastly Execution of
Robert Goodale

at Norwich.

"Oh, God! it is a fearful thing
To see the human soul take wing
In any shape, in any mood."
—BYRON, "Prisoner of Chillon."



IN the year 1885 there was living at Wisbech in Cambridgeshire a farmer named Robert Goodale. He was a fine, well-set-up man, nearly six feet in height, and weighing about fifteen stone. In his way he was prosperous, finding a ready market for the produce of his farm, which was some little distance from Wisbech, just across the border of Norfolk.

The property, which was his own, consisted of several orchards, one or two fields, and a decent two-storied house, which was used for storing the fruit till ready for Covent Garden. Close by this storehouse ran the River

Nene, and it may well be imagined that with such a plentiful supply of water close at hand the crops from his trees were satisfactory. But this was not the only source of water supply. Before the rage for fruit-growing came in, the land had originally been an ordinary grazing farm, and for the provision of the inmates of the house there was a well in the courtyard.

Almost daily Goodale used to walk from Wisbech to see to the progress which his crops were making or to direct the farm hands in their work. At first it was a rare thing for Mrs. Goodale, to whom he had been married in 1863, to accompany him, but later, and especially in the gathering season, she was frequently seen on the farm.

In his married life the subject of this memoir was not entirely happy. His life partner was four years older than himself, and as age began to overtake him he lost the keen trust which he once had in her, and imagined that every person who cast eyes on Bathsheba Goodale was a prospective lover! This is a form of madness which often attacks men when they think that their own charms are not enough to keep their wives faithful, absolutely unmindful that the woman is also losing her power to fascinate younger men.

The monster of jealousy enters the heart, and thus the home, very insidiously. First, there is a little peevishness when the object of the affections is long absent; then, from slight ill-temper, the transition to cynical words and taunts is easy enough. The woman generally retaliates, and a period of senseless nagging ensues, which may, in the case of ill-regulated minds, lead to bitter recriminations, and finally to blows.

Thus it was that when Robert Goodale passed his fortieth year he began to get jealous of his wife, and insisted that she should accompany him abroad, so that he could keep his eye on her. She resented this distrust, for she knew that

his fears were groundless, and high words soon passed between them.

It was rumoured in Wisbech that at times her lord and master strove to recover her affections with the aid of a stick, and black eyes were often seen on the face of Bathsheba. The local Wesleyan minister remonstrated with Robert, but to no avail, for naturally the deluded man thought that he had some ulterior motive for so doing.

Matters went from bad to worse till about the beginning of August, 1885, when Bathsheba was nearly fifty years of age and Robert well over forty-five. Then it was that one day the neighbours were astonished to hear sounds of violent quarrelling, next a volley of oaths, and finally to see Mrs. Goodale rush out of the store house pursued by her husband, who had a formidable hedging-hook in his hand. "If you don't come back at once, you b—, I'll chop you down!" he shrieked. Fearing further violence than usual, Bathsheba obeyed, and returned to receive the thrashing which she was beginning to get used to.

With the middle of August the extremely busy season commenced, and Goodale had too much to do looking after the proper gathering and storage of his orchards to be quite as watchful of his wife as usual; besides, he felt sure that she was busily engaged picking fruit, and could not get into much mischief. The great rush was over in about ten days, and matters returned to the normal state on the fruit farm till the next crop of late fruit should be ready for culling.

Then it was noticed that Mrs. Goodale had not been seen for a day or so by the Wisbech neighbours, and when Goodale was asked what had become of her he remarked, "It's all right; she'll come back again." The people on the farm also inquired for "the missis," and were told that she would be out when the next "flush" of fruit came.

Several days passed and no news was heard of Mrs. Goodale, and the folk began to get suspicious. Every inquiry as to her whereabouts Goodale answered evasively. Then the police took the matter up, and all that they could learn was that on the last day on which Bathsheba was seen at the farm one of the lads saw Goodale sitting on the bank of the Nene. The master noticed him, and told him to go down at once to the meadows and look after the cows. The boy did so, and on his way saw Mrs. Goodale near the house.

Later he returned, and was surprised to find that Mrs. Goodale had left the farm and that his master's trousers were wet right up to the knees. He asked the cause of this, and was given a rambling answer relating to slipping, and the bank of the river being rather treacherous. This decided the police to examine the farm, which they did very thoroughly, turning out every nook and corner of the storehouse, dragging the river and looking all over the grounds for traces of a struggle or of a freshly-made grave. They were just about to give up the matter when one of the farm hands remarked that a chain and hook, which used to be on the windlass of the well in the courtyard, were missing.

A cord was obtained, and a candle lowered down the well, which was a fairly deep one, but nothing could be seen. Then a plucky constable proposed that a strong rope should be brought, and volunteered to go down the shaft himself and see if there was anything in the water which could not be seen from the top.

Without much difficulty the rope was got and a loop formed, in which the policeman sat, and he was slowly lowered down, taking with him a dragging hook.

The little group of spectators waited breathless at the brink of the well, peering down into the darkness. They could see nothing, but they could hear splashing and scratching, while the rope was violently jerked. Then a voice from the depths called out, "Heave up! Steady!" Those who were in charge of the windlass could tell by the extra weight that something was accompanying the constable on his upward journey, and they waited patiently to see what that "something" was, hoping, yet fearing, that it might be the body of Mrs. Goodale.

Slowly the windlass turned and creaked, as, inch by inch, the double burden approached the top. Then the head of the explorer appeared, and it could be seen that he had something dark lying across his lap. At last the brink was reached, and the brave policeman with his quarry was landed on the ground. With a cry the labourers exclaimed, "Oh, poor missis! She's murdered!"

Of that there could be little doubt, for there was a ghastly wound at the back of the head. Her features were bloated, her hair matted with blood and dirt, her clothes bedraggled. Truly a piteous object it was that the constable had brought with him from the yawning pit.

On this Robert Goodale was arrested, charged before the

magistrates at Walsoken, and in due course committed for trial.

In the second week of the following November he was brought to the bar at Norwich Assizes and arraigned for the wilful murder of his wife, Bathsheba. Evidence of the unhappy life which the couple had been living was given, and then the account of the disappearance of Mrs. Goodale and his apparent unconcern.

The police next detailed the finding of the body in the well, and the arrest of Goodale, and were followed by the medical evidence. The doctors said that on the head were several severe wounds, which had been caused by a blunt instrument. Death was not directly due to these, though there was no doubt that they would have proved fatal in a short time, but that the deceased met her end by drowning. The injuries might easily have been caused by the back of a bill-hook. It was probable that the unfortunate woman had been stunned by three or four very severe blows, and while



"If you don't come back I'll chop you down!"

unconscious was thrown down the well. There would be a good deal of bleeding from the wounds.

On examining the prisoner's clothes, both with the microscope and by chemical tests, the trousers were found quite free from blood, and had evidently been recently washed when handed to them. The coat had several splashes of human blood on it, and so had the hat which the prisoner was wearing on the day of the murder.

Counsel for the Crown said that that constituted his case. For the defence it was urged that the evidence was purely circumstantial, inasmuch as no one could say that the prisoner had seen his wife after the lad who had been sent to milk the cows, and the charge might just as well attach to him as to the accused. He did not propose to assert that the lad committed the murder, for he was confident that the real explanation was that the poor woman had looked over the side of the well, and, either overcome by faintness, or for some other cause, lost her balance and toppled in. As she fell, it was quite within reason to suppose that her head had struck against the sides of the shaft, thus causing the shocking injuries which had been described. Reaching the bottom insensible, she could not even cry for help, and was drowned. This being such a reasonable theory, he contended that the jury ought not to convict his client, against whom merely evidence of previous quarrels had been proved.

The prosecution combated this ingenious defence by pointing out to the jury that the prisoner had washed his trousers

shortly after the deceased was last seen; his coat and hat, which he had probably overlooked, had marks of human blood on them that could not be accounted for; three weeks prior to the tragedy he had threatened to kill his wife with the very instrument which the doctors thought had produced the injuries; and, lastly, if the prisoner had not known exactly where his wife was, was it likely that he—a jealous man—would have borne her absence so very calmly? In all, though the evidence was circumstantial, the chain led to one man alone, and that man was the prisoner. He therefore asked for a conviction.

Mr. Justice Stephens summed up very dispassionately, neither for nor against the accused, and left the jury to form their own judgment on the matter. This they did not take very long to do, and, after an absence of twenty minutes only, returned into court.

It had been thought that a longer time would have been occupied, and the prisoner had been taken from the dock, while a fresh jury had been empanelled to try another case. Goodale, however, was brought back to the bar, and after the usual questions the foreman of the jury announced that they found the prisoner guilty. "Robert Goodale," said the clerk, "you have been convicted of wilful murder; have you anything to say why this court should not give you judgment to die according to law?"

The convict looked dazed, but said nothing. Mr. Justice Stephens then assumed the black cap and addressed him as follows:

"Robert Goodale, you stand convicted of the wilful murder of your wife. I am bound to say that I cannot feel in any degree dissatisfied with the verdict of the jury. You have had a fair and patient trial, you have been most ably defended, and you are convicted of wilful murder, and a more atrocious murder has seldom been committed.

"You struck your wife down in passion and in fury, and you threw her body into the well. You thought that all trace of your crime was concealed; but it has been proved against you, and you must die, for that is the punishment appointed by the law of England for the crime that you have committed.

"I have nothing to say to you except to pass upon you the sentence of the law, and that sentence is: 'This court doth ordain that you, Robert Goodale, be taken from hence to the place from whence you came, and thence to a place of execution, and that there you be hanged by the neck until you be dead, and that when you are dead your body be buried within the precincts of the gaol in which you shall have last been confined before your execution.' And may the Lord have mercy upon your soul!" To which the chaplain added "Amen."

Goodale made a movement as if to address the court, but was hurried off to the cells below, and conveyed later to Norwich Castle.

While in the condemned cell awaiting execution, the convict made a confession, in which he stated that he had struck his wife in a moment of passion because she preferred other men to him. This was sent to the Home Secretary, together with a petition praying for the commutation of the sentence on the ground of the extremely circumstantial nature of the evidence, but the responsible Minister refused to interfere with the course of the law, and it was ordained that Goodale should die on the 30th of November.

Word was sent to Berry to that effect, and he came to the prison on the Saturday and examined the drop, which had only once been used before. He found everything in perfect working order. He had an interview with the governor, who was very anxious that the execution should pass off without a hitch, and who told him that he had personally examined the apparatus of the gallows and drop on the previous Thursday, and had again inspected it, in company with an engineer, that very morning. Everything had been done that mechanical skill could suggest.

Feeling certain that there would be no accident with the drop mechanism, Berry went to have a look at his prospective victim, to gauge what fall he should allow him. According to the tables which were then being used, a man of fifteen stone weight should have been allowed seven feet eight inches of rope, but the executioner thought that the condemned man did not look very muscular about the neck, and accordingly determined to give him a shorter drop than usual, and fixed it at five feet nine inches.

The morning of the execution dawned, and Goodale rose and engaged in prayer with the Rev. T. A. Wheeler, a Baptist minister. Then he partook of a light breakfast, and awaited the arrival of the sheriff and the hangman, while Mr. Wheeler strove to soothe the last moments of the doomed man. At about ten minutes to eight Mr. Under-

Sheriff Hales demanded the body of Robert Goodale for execution. He was formally put in possession of his victim by the governor. Goodale was asked if he had anything to say. He said, "Nothing, except to thank Mr. Governor Dent for the kindness which had been shown him." Then he was led out into the corridor, where he was introduced to Berry, who quickly pinioned him. Just then the bell of St. Peter's Church was tolling dismally. Knowing that it was his death knell, Goodale became ghastly pale, his features quivering with emotion, but he strove to choke his feelings down and to bear himself like an east-country yeoman to the last.

As the mournful bell tolled, the sad little procession set forth to the place of execution. Goodale was at once placed on the drop, and the executioner fastened his feet together with a strap. Then the fatal noose was adjusted round his neck, and pulled fairly tight. The last thing was to draw the white cap over his face.

Berry stepped back and grasped the lever. At that instant

ing smell of blood told him that something worse than they had ever dreamed of had occurred.

Beneath the open trap-doors, whence the light straggled feebly down, they saw lying on the ground a figure. A figure, did I say? No; a headless trunk!

From the severed arteries of the neck gushed forth jet after jet of scarlet blood, streaming over the floor, finding some little declivity in which to form a pool; lapping the very feet of the officials who had entered that most awful of all rooms.

Horror-struck they stood for an instant, fascinated by the spurting from the thing which lay before them. Then Berry looked for the head, and found it lying at the foot of the trunk.

He removed the cap, red with warm gore. The piteous eyes seemed to look at him as if to say, "Why have you done this?" Professional instincts were roused in the doctor, who felt the heart, though he knew that it was but a lifeless



SOMETHING DARK ACROSS HIS LAP.

the first stroke of eight o'clock boomed from the church tower. "Goodale, have you anything to say before you go?" asked the hangman. "Nothing," replied the man standing on the brink of eternity.

Five—six—seven—e-i-g-h-t rang out the bell. At the last stroke the bolt was withdrawn, and Goodale disappeared.

Instantly the rope flew upwards. What had happened? Governor, doctor, hangman, warders, all started back in dismay; something dreadful had taken place. For an instant all seemed paralysed with horror, feeling sure that the wretched man, having either slipped from the noose or broken the rope, lay with broken bones and in agony at the bottom of the yawning black cavern, eleven feet deep. But the delay was only momentary, for Berry, followed by doctor and governor, rushed to the steps leading into the silent cell of death. The door was opened, and Berry entered first.

In the dim light, to which his eyes had not got accustomed, he stumbled, his foot treading on something slippery. He spoke to the others to be careful, and at the moment the governor could not think what it was that the hangman could have slipped on, knowing that the floor was of cement. The next instant the warm, indescribably penetra-

corpse which lay before him. Feelings of humanity overcame the governor, and he burst into tears. No shame to the man who was affected by such a sight!

Silently the executioner laid the head down, and all went up to the drop again, leaving the bleeding corpse where it was for a short while. The rope was taken down by the doctor and Berry, and examined—the governor had retired to his own apartments, too heart-broken at the terrible accident to make further investigations—and it was seen that the noose was not completely closed even then. The rope had cut through the neck as if it had been a knife.

Later, the corpse was washed, and the doctor examined it, but could form no opinion as to the reason for the severance of the head from the body. Then it was placed in a coffin to await the inquest.

Still much shaken, and almost broken down, Governor Dent faced the coroner's inquest. He told of the precautions which he had taken to make certain that no mishap should take place, and he declared that the executioner was perfectly sober, and had carried out his duties in the usual fashion. Berry then gave his account of the affair, pointing out how he had allowed nearly two feet less than the allotted drop.

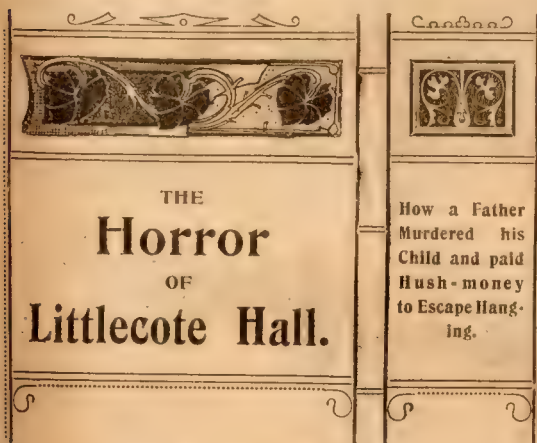
The rope which he had used was not unusually thin, for it was one supplied by the Government only ten days before, and had been used at Hereford for the first time on the previous Monday, when one Williams was hanged. In that case it had not even caused an abrasion of the skin.

The doctor said that death must have been absolutely instantaneous, and added that he could not account for the accident, save that the muscles of the convict's neck were not very strong.

A juror asked whether it could be said that the man had been hanged according to law, and the doctor pointed out that "hanged by the neck till dead" was the sentence, and that hanging was the result of the action of the rope depending from a beam. If the rope had not been there the convict would not have been dead, and he must have been dead before the rope had quite passed through the neck. Therefore, he argued, the doomed man had been legally hanged, though he did not hang for more than a fraction of a second. This view the coroner took, and the usual verdict was returned, with a rider exonerating all concerned from blame.

After the inquest the decapitated corpse of Goodale was buried in the prison yard.

Thus, by one of the most ghastly executions in modern times, terminated the career of one of the most brutal murderers who ever disgraced these isles.



"A jolly place," said he, "in times of old,
But something ails it now; the spot is cursed."
—WORDSWORTH, "Hart-Leap Well."



AMONG the low and lonely meadows which lie along the banks of the Kennett, some three miles from the old Berkshire town of Hungerford, and just within the borders of Wiltshire, stands Littlecote Hall, one of the oldest and most remarkable specimens of an early Tudor mansion house to be found in England. Surrounded by a finely-wooded park four miles in circumference, and flanked by a lofty knoll crowned with stately timber, with a branch of the Kennett, famous for its trout, flowing through the grounds, there are few more picturesque country houses in Great Britain than the long, irregular building, with its quaint gables and chimney stacks, which history and tradition have combined to invest with a gloomy but abiding celebrity. Its long, rambling galleries and tapestried chambers are still haunted by the weird memories of a terrible and mysterious tragedy, and to this day is told with bated breath the grim legend which for three hundred years has thrown a glamour of dark romance around the old Wiltshire Manor House. The story of that mysterious tragedy, the irrefutable proofs of which have been within our own time unearthed from the archives of the Rolls Office, we purpose telling here.

At the time when Bluff Hal, of pious and much-married memory, was beginning to set England in commotion by beheading his wives and turning the monks adrift, Littlecote Hall was in the possession of the Darell family, who had owned the estate for many generations. In the year 1560 there were great rejoicings at the Hall, for young William Darell, the heir to the estate, then came of age, and, as his father had been dead for some years, entered at once upon his property. He is described as being a tall, handsome young man, but of a wild and ungovernable temper—one who would let no obstacle stand in the way of the gratification of his lust or of his revenge. Hitherto the Darells, or Darrells, as the name is sometimes spelt, and always pronounced, though proud and somewhat overbearing, had yet been orderly, respectable, thrifty country gentlemen. But young William soon changed all that, and as soon as he was his own master, began a career of wildness and extravagance which horrified all decent folks and involved him in endless quarrels with his neighbours. He was known all round the countryside as Wild Darell; and sober people, as they heard of fresh mortgages of land and pawning of plate, shook their heads over the ruin which this reckless young scapegrace and spendthrift was rapidly bringing upon an old and honoured house. He was not yet thirty years of age before his name was made notorious by a divorce case which shattered the happiness of one of the oldest families in the country.

Sir Walter Hungerford, of Farley Castle, had married a beautiful wife, whose charms tempted the evil passions of Wild Darell the first moment he saw her. He set himself at once to the task of seducing the wife of his friend and neighbour, in which he only too easily succeeded, for the fair Lady Anne was of the order of what we should term nowadays "fast women." Wild Darell was just the sort of man to fascinate such a woman, and he seems to have exercised an extraordinary influence over her, to judge from her letters, which are still extant.

The unsuspecting husband one day laid his hand on one of these letters of his wife's—or rather, as we suspect, it was sent to him by some one of Darell's servants who had a spite against his master. It was a damning document, for in it the lady swears upon the holy evangels that she will take her "dear Will Darell" to be her husband immediately on the death of her present spouse. Sir Walter, who must have been a man of some humour, simply folded up the letter and addressed it to his wife, "with her faithful husband's most loving wishes," and then, having acquired a whole bundle of similar epistles, enough to damn the reputation of any woman even in a society of the laxest morals, commenced a suit for divorce—a form of procedure which royalty had just then made fashionable. It is enough to say that Sir Walter obtained his divorce, and Lady Anne, stricken with remorse, fled to France and there entered a convent, where she died.

Will Darell, however, was not the sort of man to pine after a lost mistress, or let scandal disturb his peace. He braved out his scheme with the brazen audacity that was characteristic of him, and before long he consoled himself with the charms of another lady, who, if of less lofty lineage than his first inamorata, had at least the advantage of being no one else's wife.

Alice Bonham, spinster, sister of the bailiff of Sir John Thynne, of Longleat, was the lady on whom Darell next fixed his roving affections, and he persuaded her to come and live with him at Littlecote Hall, though their union was not that of wedlock. By this time the wild squire of Littlecote, though he still retained his commission as Justice of the Peace, and could boast of some powerful and influential friends, among them the celebrated Sir Francis Walsingham, one of the greatest statesmen and diplomatists of the Elizabethan era, had alienated himself from all his respectable neighbours, except his cousin by marriage, Mr. Anthony Bridges, of Great Sheffield.

It was not so much his loose morals that had brought about this result as the suspicion of his complicity in the murder of Mr. George Essex, a gentleman against whom he had a serious grievance. The said George Essex was foully done to death by one John Whitehead, who was in the employ of William Darell, and it was universally believed that the servant perpetrated the murder at the instigation of his master. But on the case being brought to trial there was no evidence forthcoming to prove that Wild Darell was concerned in the crime, and he was accordingly acquitted.

From that moment, however, the Squire of Littlecote was looked at askance by all the folks about that countryside as a man who, in addition to all his other crimes, bore on his brow the brand of Cain. He was shunned by high and low, and held his wild course in solitude, save for the boon companions he gathered round him from other parts. In that

superstitious age he was deemed to have sold himself to the devil, and the peasantry crossed themselves with shuddering dread when he passed. Such was the state of things at Littlecote Hall when Wild Darell filled the cup of his wickedness to the brim by the awful crime which has damned his name to everlasting infamy.

It was on a dark, rainy night in the month of November, 1576, that old Mother Barnes, of Great Shefford, sat musing at her cottage fireside, when on a sudden she was startled by a loud knocking at the door. She was startled, as we have said, but not frightened, seeing that her professional duties constantly necessitated her being called up at all hours of the night. For the dame belonged to the same profession as Mrs. Sairey Gump—in a word, she was a midwife. On opening the door, she was just able to distinguish in the darkness two figures on horseback, one of whom immediately addressed her.

"Are you Mistress Barnes, the midwife?"

"Good sir, I am," replied the dame.

"The lady of Sir Henry Knyvett, of Wyltsh, is in travail, and hath need of thee at once. Thou art to ride thither with us."

silence for many miles, through rough and miry lanes, they stopped, and the horseman who had previously spoken to her said:

"Dame, we are arrived at the house of which I spoke to thee. Take my hand and follow me in silence."

With her eyes still bandaged, she was led through a door and up a flight of stairs, the steps of which she took the precaution to count, and the number was twenty-two. Then she heard a door close behind her, and her conductor left her. After waiting a few moments, she was conscious of a footstep, and then the bandage was gently removed from her eyes. She found herself in a spacious chamber, richly hung with arras, and by her side was (to use her own words) a "tall, slender gentleman, having upon him a large gown of black velvet." He wore a mask or visard over his face, and carried a small silver lamp in his hand.

Without a word he motioned to her to follow him, and she did so. They passed through a second chamber, like the first one, hung with costly tapestry, till they came to a third, in which there was a bed, "richly and gorgeously-furnished, the curtains of the said bed being all close drawn about it." There was a bright fire blazing on the hearth, but the only



JUST ABLE TO DISTINGUISH TWO FIGURES ON HORSEBACK.

So dark and stormy was the night that at first Mistress Barnes hesitated, though Lady Knyvett was well known to her, and had retained her services under similar circumstances at a handsome fee more than once previously.

"Come," said the horseman, who had first spoken, "this is a matter of life and death—tarry not. My orders are to bring thee to my lady and promise thee thrice thy usual fee."

Reluctantly the dame attired herself and prepared to start. Behind the second horseman, who had not spoken, was a pillion, and on this she was placed by him who had first addressed her. They had not proceeded far before they halted, and the first horseman, reining up his steed alongside of her, said:

"Dame, this is no common mission, and thou must submit to be blindfolded, and led to my master's house, who is unknown to thee. No harm shall befall thee, but secrecy is needful, and thy reward shall be great."

Mother Barnes was terribly frightened, but it was useless screaming in that lonely spot and at that hour of the night, so she submitted to be blindfolded, and then the two horsemen rode rapidly on, she knew not whither, though she was aware that they twice crossed a river. After proceeding in

sight or sound of living soul was a rustle of the bed-curtains, and a low, suppressed moan from the bed which told that someone lay there in pain. Bending down till his lips almost touched the midwife's ear, the tall, slender, masked gentleman in black velvet whispered softly:

"Lo! in yonder bed lieth the gentlewoman that you are sent for to come unto. Go unto her, and see that you do your utmost endeavour toward her, and if she be safely delivered you shall not fail of a great reward, but if she miscarry in her travail, you shall die."

With that the gentleman abruptly left her, and locked the door of the chamber behind him.

Amazed and terrified, Mistress Barnes went to the bedside, and, with trembling fingers, pulled aside the curtains. There, "lying in great estate," enveloped to the chin in a rich brocaded coverlet, and with her face concealed by a visard, or mask, was a lady, obviously in the last pangs of child-birth. Forgetting both her terror and her wonder at the sight, the midwife deftly performed her duties, and before an hour had passed the lady was safely delivered of a male child. Mistress Barnes was sitting beside the fire with the child on her knee, wrapped up in her own apron, for she could

find no other covering for it, when the key turned in the lock, and the tall, slender gentleman in black velvet who had conducted her hither reappeared. Without glancing at the bed, he strode straight to the midwife, and asked her in a hoarse whisper:

"Is she safely delivered?"

Mistress Barnes opened her apron, and held up to him the child, expecting some expression of a father's pleasure and relief at a sight which usually softens the hardest man's heart. But there was no sign of paternal delight or affection in this man, as he clutched her by the shoulder, and in a stern whisper said:

"Follow me, and bring the child with thee!"

Mutely the bewildered midwife followed this strange, imperious person, whom she could not doubt to be the master of the house. They entered the middle chamber of the three she had traversed, and she noticed that a big fire was now blazing in the hearth. The tall, slender gentleman in black velvet led her to the fire, and then, in a fierce tone which froze her blood with terror, pointing to the child which she carried in her apron, said:

"Cast that thing into the fire!"

She found courage to exclaim in terrified accents:

"Not the child?"

"Ay, the child!" he repeated sternly. "Do as I bid thee, cast it into the fire, or it will be the worse for thee."

Then the poor woman, with all her feminine and motherly instincts aroused, fell on her knees and implored the cruel monster not to slay the innocent babe, but suffer her to take it away and bring it up as her own, vowing that she would never reveal to a living soul how she came by the child. But he interrupted her with an awful oath, and stamping his foot furiously said:

"I tell thee the child must die, and either thou or I must do the deed."

Then, muttering to himself that he was damned already, and the devil could make hell no hotter for him, he seized the new-born infant from the midwife's arms and flung it into the flames.

Mistress Barnes could not repress a scream, and rushed forward towards the hearth; but the man clutched her by the arm, and hurried her down upon the floor. With a feeble cry of agony the baby rolled out of the fire upon the hearthstone, but the inhuman wretch picked it up, thrust it among the burning logs, and pressed it down firmly with his foot, then heaped the fuel round it till the little body was consumed to ashes. Speechless with terror, the midwife crouched there and witnessed the hideous and brutal murder, powerless to move hand or foot towards saving the little creature whom she had just helped to bring into the world. When the deed was done, the murderer turned to Mistress Barnes and said menacingly:

"As thou valuest thy life, breathe no word of what thou hast seen to living soul. Here is a bag of gold for thee. Go back again to the gentlewoman and tend her till I send for thee again."

All the next day Mistress Barnes remained in the bed-chamber of the lady whom she had delivered, who never once removed her mask or asked what had become of her child. The midwife felt that she dared never reveal what she had seen, but still she mentally noted all she could in the chamber, and, moreover, with her scissors cut a small piece from the hangings of the bed, which she secreted in her pocket.

At nightfall, the tall, slender gentleman in black velvet entered the chamber again, and beckoned to her to follow him.

She dared not refuse, though she could not repress a fit of shuddering when she found herself once more in the room which had been the scene of the appalling crime. Drawing a handkerchief from his robe, the gentleman bandaged her eyes, and, as he led her forth, said:

"Those who brought thee hither will now take thee back. Beware thou attempt not to learn more than thou knowest now." This was so fiercely spoken that the poor woman felt ready to sink through the floor with terror. Then she descended the stairs which she had ascended on her arrival, was lifted into a pillion, and borne swiftly and silently along, but whether by the same road by which she had come or not, she was unable to tell. It was past midnight, and pitch dark, when she was set down at some distance from her own home. As the bandage was removed from her eyes, a second purse was thrust into her hand, and she was told by one whose voice she recognised as that of the horseman who had summoned her on her terrible errand, where she was and how far her house was distant. Then the two horsemen vanished into the darkness, and she was left alone.

Two years passed, and though the money which she had received on that fatal night as the price of her secrecy was sufficient to render her almost rich for one in her station of life, yet was Mistress Barnes not happy or comfortable. She was haunted by the memory of that awful scene in the mysterious chamber, and much she marvelled who that masked lady and gentleman might be.

At last the old crone fell grievously sick, and then the burden of her dreadful secret became too heavy for her to bear; she felt that she must divulge it before she died. So she sent for Mr. Anthony Bridges, the principal landowner and magistrate of Great Shefford, and he took down in writing what the old woman believed to be her dying deposition as to the facts above recorded. Mistress Barnes, however, made no attempt to fasten the crime upon any particular person, or to identify the tall, slender gentleman in black velvet who had been the chief actor in the tragedy. But Master Anthony Bridges knew too well, or, if he did not know, guessed very shrewdly, who the mysterious murderer was, for he sent off a letter at once to his "dear cousin," Will Darell, enclosing a copy of



He motioned her to follow him.

the deposition, and bidding the Squire of Littlecote at the same time take courage, because it was clear that Mother Barnes knew no more than was set down in her deposition, and was under the impression that the scene of the murder was much farther off than Littlecote Hall, her guides having successfully bewildered her as to the distance.

This letter of Master Anthony Bridges', together with the deposition of Mother Barnes, was discovered in 1863 by Mr. Charles Edward Long among a number of documents relating to Wiltshire in the Rolls Office. In the following year, 1864, this evidence in proof of Will Darell's guilt was supplemented by a remarkable original letter, written at the very time by Sir Henry Knyvett, of Charlton, to Sir John Thynne, and discovered by the Rev. Canon Jackson, Rector of Leigh Delamere, among the Marquis of Bath's papers at Longleat. The letter, which thus establishes the truth of the Littlecote legend, runs thus:

"Sir Henry Knyvett to Sir John Thynne.

"Sir,—I beseech you let me crave so much favour of you as to procure your servant (bailliff), Mr. Bonham, most effectually to examine his sister touching her usage."

Willm. Darell's, the birth of her children, how many they were, and what became of them. She shall have no cause of fear truly to confess the uttermost, for I will defend her from all peril howsoever the case fall out. The bruit (report) of the murder of one of them increaseth foully, and there falleth out such other heinous matter against him as will touch him to the quick. From Charlton, the 2nd of January, 1578.—Your loving friend,

"H. KNYVETT."

So far, there is proof positive of every step in the narrative we have recorded. But the sequel of the story is scarcely less wild and tragic, though here we have to depend almost entirely upon legend and oral tradition.

Mother Barnes, it is averred, did not die immediately after making the deposition already referred to, but recovered, and finding that Master Anthony Bridges, for good and sufficient reasons, as we have seen, was not inclined to assist her in bringing the murderer to justice, she went before another magistrate and told her story, describing the chamber as she remembered it, and producing the bit of bed-hangings which she had cut away. Suspicion had already been directed to Will Darell in regard to his relations with Alice Bonham, and a warrant was issued empowering the officers of the law to search Littlecote Hall. Mother Barnes was taken there, and she recognised the chamber in which the fearful deed had been done. There was the hole in the bed-hangings, exactly fitting the piece which she had cut away, and on counting the steps from the entrance hall to the bedchamber, they were found to be twenty-two, exactly tallying with her own enumeration.

As soon as this damning evidence was brought to light, public feeling grew intensely strong against Wild Darell, who was arrested and committed to stand his trial for murder at Salisbury Assizes. The case looked very black indeed against the Squire of Littlecote, and even his staunchest friends—and he had still some powerful ones left—despaired of procuring an acquittal.

The judge who was to conduct the trial was Sir John Popham, Lord Chief Justice of England, whose judicial ability and legal acumen were indisputable, but whose reputation for honesty was, if his enemies are to be believed, to say the least of it, dubious.

Wild Darell's last forlorn hope lay in the corruptibility of the judge. The following proposal was made to the Lord Chief Justice: That if Darell's life were spared through the judge's connivance, the whole Manor of Littlecote, the Hall, and all the appurtenances should be made over in fee-simple to Sir John Popham and his heirs for ever. There is no record of the trial extant, but by some means Wild Darell escaped with his life, and Sir John Popham became Lord of Littlecote Hall. It was a heavy price to pay, but what will not a man give to keep the breath in his body.

Short time, says the legend, was given to Wild Darell to make clearance from the house of his ancestors. With as much speed as the cumbrous procedure of the law allowed, the deed of transfer was drawn up, signed, sealed, and delivered, and the day came when Wild Darell must quit Littlecote Hall a beggar and an outcast. Bad as he was, the squire had endeared himself to many of his retainers by his reckless, free-handed generosity. He had many of the most attractive qualities of an English country gentleman. He was a bold rider and a keen sportsman. And so there was genuine sorrow on the faces of the little group of servants and tenants who stood respectfully round the doorway, where the master's favourite black horse, the only one of all his possessions now left to him, ready saddled, was chained to a ring in the wall. As the new owner, with his retinue of strangers, rode up, Wild Darell descended the steps, loosed his horse, sprang into the saddle, and, rising for a moment in his stirrups, shook his fist fiercely at the new Master of Littlecote, cursed him and all his progeny to the end of time, praying heaven and hell to make their inheritance bitter and fatal to them, then dashing spurs into the black gelding, he rode madly across the park, no one knew whither. The next morning horse and rider were found lying dead at the bottom of a decline, at the top of which was a stone stile. In attempting to clear that stile, man and beast had been killed instantaneously.

To this day the spot is known as "Wild Darell's Leap," and few care to pass that stile after dark, for the black gelding and his mad rider have often been seen careering past the fatal place at headlong gallop, in such weird and ghostly shape as made the hair of him who gazed on the fearful apparition bristle on his head "like quills upon the fretful porcupine."

The JUDGE and JURY

PART II.



THE author hopes that no reader of FAMOUS CRIMES put away the last article on this subject in the supposition that the paper dealt with the doings of Baron Nicholson, at the famous place of resort in Maiden Lane, which has since had a varied career, once the "Spooferies," now the "New Adelphi Club." No; our writer is trying to convey in a popular form a general idea of the "Rules of Evidence." So, again to our lessons.

WHAT MUST BE PROVED.

Well, naturally, what must be proved in order to obtain a conviction is the particular charge brought. As a general rule every charge alleges, or ought to allege, a specific offence, constituting a breach of a specific enactment; and, subject to certain exceptions, it is of this offence, and of this offence alone, that the person charged can be convicted. The reason for the rule is the unfairness of requiring a person to meet a charge for which he is not prepared. And the exceptions will be found not to conflict with this reason, since they relate either to cases where the distinction between the two offences is mainly technical, or to cases where the distinction is one of degree, but not of kind, and the prisoner, having been charged with the more serious, is allowed to be convicted of the less serious offence. An example of the former is when a prisoner who is charged with a felony is allowed, in certain cases, to be convicted of a misdemeanour; similarly, a prisoner charged with stealing may be convicted of embezzlement, or vice versa. The second class is illustrated by the common law rule that on an indictment for murder the prisoner may be convicted of manslaughter in the case of the prosecution failing to prove "malice prepense."

It is the substance only of the charge that need be proved. Allegations which are not essential to constitute the offence, and which may be omitted without affecting the validity of the charge, do not require proof, and may be rejected as surplusage.

WHAT FACTS ARE ASSUMED TO BE KNOWN.

"Who is Connie Gilchrist?" is a well-known and often quoted specimen of a question asked by a judge who showed "judicial ignorance." But a judge renders himself liable to be put on a pension if he declines to take judicial notice of:

Acts of Parliament; the general course of proceedings and privileges of Parliament, the date and place of the sittings of each House (but not transactions in their journals); the course of proceedings and rules of practice in the Supreme Court of Judicature; the accession of the King; the existence and title of every State and Sovereign recognised by the King; the Great Seal, the Privy Seal, the Seals of the Superior Court of Justice; the seal of any notary-public in the British Dominions, and various other seals; the extent of the territories under the dominion of the Crown, and the territorial and political divisions of the different parts of the United Kingdom; the ordinary course of natural and artificial divisions of time, and the meaning of English words; and all other matters which judges are directed by statute to notice. The text-books say that it would not be necessary to prove that an important battle was fought on the 18th of June, 1815. That is a matter of general knowledge. On the other hand, it would be necessary to take evidence as to the 19th of April being Primrose Day, because that fact is not stated in the new volume of the "Encyclopædia Britannica." But, happily, "the other side" are not often born fools; consequently, there are concessions on all points which an average couple of individuals are agreed upon.

BY WHICH SIDE PROOF MUST BE GIVEN.

There are two rules thoroughly established in English law. First, a man is presumed to be innocent until he is proved to be guilty. Secondly, he who alleges a fact must prove it, whether the allegation be couched in the affirmative or the negative. From both of these rules it follows that in the first instance it is the business of the prosecution to give evidence as to the commission of the crime, and to try and connect the prisoner with committing it. After that, and only after that, it lies with the prisoner to prove any facts from which he wishes his innocence to be inferred. The rule that he who alleges a fact must prove it is subject to two exceptions, even though the allegation be couched in the negative.

It is expressly provided by some statutes that the proof of lawful excuse or authority, or the absence of fraudulent intent, shall lie on the person charged, although by the terms in which the offence is defined they are expressly made elements of the offence. (For instance, the statute making it criminal to be found by night in possession of house-breaking implements without lawful excuse, if you are found carrying a jemmy late at night, you have to prove that what you are going to do with it is a lawful bit of business.)

When the subject of the negative assertion is peculiarly within the knowledge of the prisoner, he must prove it as a matter of defence. Thus a constable who is charged with releasing a prisoner has to prove that he received authority from a superior.

As the trial goes on, the burden of proof may be shifted from the prosecutor to the prisoner by the proof of facts which raise a presumption of his guilt. Thus A is charged with stealing a fiver. The burden of proof is on the prosecution. A is shown to be in possession of the note shortly after it has been stolen. The burden of proof is with A. A proves that the fiver was given him as part of the change of a tanner. The burden of proof is shifted to the prosecution.

Where it is proved that an unlawful act has been committed, a criminal intention is presumed, and the proof of justification or excuse lies with the prisoner.

In a murder trial the law presumes malice from the act of killing, and it lies with the prisoner to disprove the malice by extenuating or justifying the act. On a charge against a soldier of wilfully maiming or injuring with intent to render unfit for service, if it is shown that the act was wilfully done, the intent will be presumed. (There is a derivation of the word "poltroon" which may or may not be correct. Some say it comes from "pollice truncus," i.e., a man who has cut a thumb off on purpose to avoid being compelled to fight for his country. German surgeons in the Franco-Prussian War used no chloroform in cases where soldiers had shot a toe off, when there were the tell-tale grains of unburnt powder showing what had happened.)

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Leaves from Our Notebook.

He Betrayed Himself.

A GENTLEMAN named Summers, a native of London, once managed a sugar factory in the West Indies, on which negroes were employed to do the work of manufacturing the sweet commodity.

Having been robbed of a large sum of money, and not being able to discover any trace of the thief, he called all the blacks together, and thus addressed them: "My friends, the great serpent appeared to me in the night, and told me that the person who stole my money should at this very instant have a feather on the tip of his nose." The thief at once put his hand to his nose. "It is you, sir, who robbed me," said the master. The negro confessed the theft, and gave up the money.

A Spiteful King.

IN the year 1749, Mr. Justice Willes tried a young man named Paul Wells at the Oxford Assizes for forgery of a bond. The offence was a trifling one, as all that had been done was to alter the date of the bond to the ensuing year, in order to postpone the payment. As the matter appeared insignificant, the prisoner, though found guilty, and in form condemned to death, was almost assured of a pardon, and the judge strongly recommended such pardon. The King, however, contrary to all precedent, refused to give effect to it, and this was not due to anything affecting the prisoner but solely because the judge was a friend and favourite of the Prince of Wales, whom the King (George II.) hated intensely. The poor prisoner was accordingly executed at Oxford.

"Most Upright Judge."

LORD ANNALY was once on his way to the Dublin Assizes to try a case in which one Denis O'Brien was the plaintiff. Knowing the judge's corruptibility, O'Brien diligently inquired what he wanted most, and, having learned that he wanted a pair of carriage horses, sent him a most magnificent pair a couple of days before the trial, hoping they would answer his lordship's taste, etc., etc. The judge was delighted beyond measure, and graciously said that he was sure they would suit him and that they were just what he was in want of.

When the trial came on Lord Annaly summed up the case strongly in favour of the plaintiff, and, indeed, told the jury that it was their duty to find a verdict in his favour, which they did after a short consultation. The next day the judge received a bill from O'Brien, charging an extortionate price for the horses, and on the judge expostulating and saying that he accepted them as a present, O'Brien assumed a look of incorruptible integrity, and said: "Most learned and upright judge, I do not understand you. I dare not think that so honest a judge would accept a present from a man whose case he was soon after going to try. You cannot mean that you thought it was a bribe? I must insist on having my price for the horses and hope your lordship will not put me to the disagreeable necessity of making the matter public and informing the Bench and the Bar what your lordship thought the horses were intended for." Lord Annaly saw he was beaten, and gave O'Brien the price he asked without any further argument.

Answers to Correspondents

The Editor
will be pleased to

answer any
suitable questions.

FAIRPLAY.—Esther Ebner starved her apprentice to death. For this she was hanged in 1829, so you win your bet.

M. J. V.—It is at Elmira, in the United States, that criminals who have committed slight offences are treated as mental patients and subjected to a course of douche baths.

AL THOMAS.—The Zulu you refer to who was executed in England was Thomas Allen, who was hanged for the murder of Mr. Thomas, an innkeeper, at Swansea. He suffered on April 10th, 1899.

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